Treaty and Concordat

Between

The Holy See and Italy

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Treaty and Concordat

Between

The Holy See and Italy

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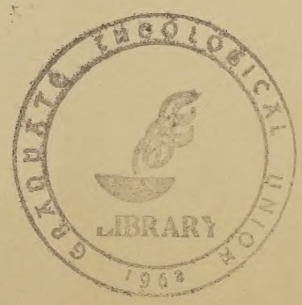

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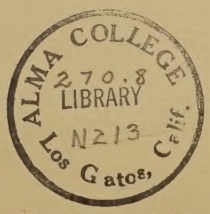

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FOREWORD

THE Treaty and Concordat signed between the Holy See and Italy on the eleventh of February, 1929, becomes effective today, when it was solemnly ratified by each party to the contracts. These agreements have opened, with the aid of God and the good will of men, a new chapter in the relations between the Church and Italy. It is a chapter, however, which from now on must face the difficulties incidental to putting into practice the arrangements agreed upon. This historical event, both by those who are friendly as well as by those who are unfriendly to the parties involved, has been regarded and is, as a matter of fact, of such capital significance that in the history of the Church few happenings can be compared with it in importance. There is something more to be seen in the signing of these agreements than the mere termination of a conflict between Church and State, the end of a painful situation which has existed for sixty years. The Treaty represents an effective recognition of the spiritual independence of the Supreme Pontiff and of the world-wide character of his authority. It is this fact which has given birth to the enthusiastic reception which the Treaty received on the part of the Faithful of the whole world.

The National Catholic Welfare Conference has thought it opportune to publish this book as a permanent record of the great historical event. This book can not but be of great value to libraries and to archival collections, as well as of interest to the American public, especially the Catholic clergy and laity. The volume contains the English and Italian texts of the Treaty and Concordat. The Italian text was kindly supplied to the National Catholic Welfare Conference by the Apostolic Delegation at Washington. Other official papers which will help to clear up certain difficult points in the documents printed or will answer criticisms ordinarily leveled against the Treaty and Concordat are included in this volume. That criticisms should have been made of events which are now historical was, of course, to be expected.

Some Catholics have felt that the Church sacrificed too much in order to obtain peace. Others are convinced that the guarantees offered by the treaty are open to question and are not, as a matter of fact, sufficient. Among those opposed to the Church, many have expressed their astonishment, in the press of their respective countries, at the sudden collapse of a system so laboriously built up and which they had believed to be indestructible. The principals responsible for the solution of the so-called "Roman Question" have fortunately, for the sake of historical accuracy, thought well to answer by public discourses the criticisms, no matter from what quarter they have come, which have been leveled against the agreement which they had reached. These speeches made before different types of gatherings illustrate in an exhaustive and altogether commendable manner the many-sided aspects of the conventions which were entered upon by the high contracting parties. These speeches have been translated faithfully and are here presented. They constitute an expression of serene and fairminded judgment on this problem

by those most competent to speak from an inside knowledge of what actually transpired, and they indicate authoritatively what interpretations must be put upon these events.

Two speeches of the Supreme Pontiff are included in this volume. The first was made in the presence of the Roman Lenten Preachers on the very day the Agreements were signed. The other was delivered in reply to an address made to the Pope by the Dean of the Diplomatic Corps accredited to the Holy See. These speeches, it should be noted, are complementary. In the first address the Holy Father, in clear-cut fashion, explained to the Faithful the true meaning of the events which had taken place, assumed himself the full responsibility for the signing of the Treaty, and presented the reasons why the Holy See asked for so small a parcel of territory, at the same time renouncing all international guarantees which had been found to be of uncertain and of changing value. In the address delivered to the Diplomatic Corps, and which, because of that very fact, takes on an international character, the Pope expressed his gratitude for the interest exhibited in the Treaty and the satisfaction expressed at the solution arrived at by the heads of the large number of nations whose ambassadors are accredited to the Holy See. This satisfaction, in the words of the Holy Father, has not the worth of a juridical guarantee; it is, nevertheless, a moral guarantee which he is very happy to possess.

The Message of Premier Mussolini which was presented together with the agreements to the Chamber of Deputies, the representatives of the Italian people, has an extraordinary apologetic value. Signor Mussolini, in his message, openly recognized how abnormal the politico-religious situation was in which Italy found itself up to the time of the signing of the Treaty. Moreover, he admitted that the solution of the problem as put forward by Liberals had but left it in its original unsatisfactory condition with all the injustices, anomalies, and serious consequences which this unsolved problem created, to the danger of National Italian Unity, and that in a Nation where almost all the inhabitants profess the Catholic religion. Signor Mussolini continued his argument by a demonstration of the necessity and utility of regularizing the religious situation by means of a Concordat between Italy and the Holy See in which religious education and the sacrament of matrimony would be treated according to Catholic principles, and in which the religious institutions of the Church and the functions of her ministers, instead of being ignored as they had been, would be fully recognized, organized, and directed toward the moral and civil development of the citizenship of the Nation. A system of cordial and fruitful co-operation between Church and State was thus to succeed the old system of separation of Church and State.

May we not hope that a reading of these pages will impress the unprejudiced reader, no matter what his religious belief, with their deep sincerity and profound truthfulness. Non-Catholics, we feel, cannot but be pleased that an ancient injustice has been finally rectified, that the religious and moral condition of the Italian people has become an object of solicitude on the part of their Government. Catholics, on the other hand, will rejoice in this signal triumph of the Church; they will be strengthened, too, in their faith in Divine Providence which guides her destinies. For it must not be forgotten, the Master has promised to be with His Church all days even to the consummation of the world.

WASHINGTON, D. C., June 7, 1929.
Feast of the Sacred Heart.

HIS HOLINESS POPE PIUS XI

Address of His Holiness Pope Pius XI to the Lenten Preachers of Rome

February 11, 1929

ADDRESS OF HIS HOLINESS POPE PIUS XI TO THE LENTEN PREACHERS OF ROME

FEBRUARY 11, 1929

PREACHERS of Lent, gathered here on the eve of that holy season, most cordially do We welcome you, for you are sons, good sons, highly qualified for your mission, who have come to the house of your common Father. In a very special manner are you welcome, since you come with His Eminence, our Coadjutor, who lends Us such efficacious cooperation in the administration of the spiritual affairs of our dear City of Rome; with the beloved Pastors of Rome, who are, without the least exaggeration, the flower of the Roman clergy, and towards whom We feel and profess a sense of gratitude for the aid they have given Us in the sanctification of the souls of those who dwell closest to Us and who are committed more specially to Our pastoral ministry by Divine Providence.

We welcome you who bring to this new Jerusalem the Divine Word, the herald of a new life.

And most of all do We welcome you because you have assembled here at a moment of deepest solemnity for Us personally, for this is the vigil of the seventh anniversary of Our coronation and the beginning of the Jubilee Year, proclaimed in commemoration of the fiftieth anniversary of Our priesthood, two events which combine to remind Us in a most awe-inspiring manner of all the graces and mercies poured forth upon Us by God, and of all our own weaknesses and deficiencies during all these years.

For still another reason is your presence here today particularly opportune and gratifying, a reason capable in itself of lending the highest significance to this audience.

On this very day, in this very hour, perhaps at this very moment, yonder in the Lateran Palace, We were about to say, as speaking to Pastors, in our parish house, there is being signed by His Eminence, the Cardinal Secretary of State, acting as Our Plenipotentiary, and by the Cav. Mussolini, acting as Plenipotentiary for His Majesty, the King of Italy, a Treaty and a Concordat. A Treaty it is that recognizes and, so far as human means can provide, secures for the Holy See, a true, proper and real territorial Sovereignty, for hitherto no other form of Sovereignty has been recognized in the world as real and proper unless it was also territorial, and which evidently belongs to him who, being invested with the Divine mandate and the Divine representation, cannot be the subject of any earthly Sovereign.

To this Treaty it has been Our will that a Concordat be conjoined, which will duly regulate religious conditions in Italy, so long interfered with, subverted and devastated by a succession of sec-

tarian governments, obedient to or allied with the enemies of the Church, even though, perhaps, they were not enemies themselves.

You do not expect Us to speak of the details of the agreement signed today; apart from the fact that time would not permit it, delicate diplomatic considerations do not allow us to proclaim these accords perfect and complete until the high suffrages and the accustomed formalities have been followed by the signatures of the Sovereigns. We would, then, merely fortify you against certain doubts and criticisms which have already been expressed and will doubtless have a wider echo when the news of today's happenings is diffused abroad, in order that you, in turn, may be able to fortify others.

Naturally, it would not be appropriate for you to treat these matters from the pulpit, because that would disturb the ordered sequence of your preaching. However, many will come to you in private, either to draw special advantage from your eloquence by individual conferences or to learn your opinion on this actual subject, which will be the more authoritative and impartial as it is illuminating.

We have spoken of doubts and criticisms, and We hasten to add that those which touch Us personally, leave Us, and will always leave Us, quite tranquil, because these doubts and criticisms refer principally, not to say solely, to Us, and because principally, not to say solely, Ours is the responsibility, grave and formidable indeed, for what has happened and what may happen in consequence.

It cannot be otherwise. In critical moments of navigation the Captain needs his faithful and generous co-laborers, and they have responded with a touching generosity and fidelity in a degree incredibly large, yet in these moments, less than ever can the pilot yield his post to others and with it its perils and his responsibility to command.

We can truly say that there is not a line, not even an expression, in these agreements, which has not been, for some thirty months at least, the subject of Our personal study, meditation and, above all, of Our prayers and the prayers, widely requested, of many souls dear to God.

We were well aware from the beginning that We could not satisfy everyone, something which not even God himself succeeds in doing ordinarily. Hence, We have made our own the words of the prophet, "*Ego autem in flagella paratus sum.*" As a matter of fact, this is already a deeply rooted habit of Our life. But prescinding from Our own person, We should take this opportunity to speak, since We are debtors to all because of the universal Paternity and the universal Magisterium which has been committed to Us by Divine Providence.

We now proceed to the doubts. When, through Our Cardinal Secretary of State, We convoked the Diplomatic Corps accredited to the Holy See, for the purpose of communicating, through them, to the Powers, the fact that a treaty was about to be concluded, immediately it was asked, Does the Holy See intend to ask for a permission or assent, or perhaps procure guarantees from the Powers for this new order of things? Hence, Ours was the elementary duty of making some explanation, before the conclusion of the proceedings, to those personages whose presence near to Us not only expresses their own good feeling, but also represents the friendship and the favorable dispositions of the numerous Powers who have representatives accredited to the Apostolic See.

No request for permission or consent or for guarantees could be in question. Everyone in every part of the world where the news of the present matter has trickled through has said already and repeatedly, the arbiter of the affairs of the Holy See and the Pontiff can only be the Pontiff himself and that the Pontiff has no need of assent, consent or guarantees.

On Our part, We say that this is very true. However preciously We value the favor and friendship of all the states and governments, properly speaking, where can We find guarantees except in Our just reasons, except in the conscience and sense of justice of the Italian people, except, still more, in Divine Providence, in that indefectible Divine assistance promised to the Church, which can be seen operating in a special manner through the Representative and Vicar of God upon earth? What guarantees can We possibly hope for beyond these? The Powers have done nothing and perhaps were not able to do anything to prevent the fall of a temporal power vast as that which once figured in the political geography of Europe But if such be the condition and the perpetual story of human things, how can We possibly provide sure defense against the future, against dangers which at present are purely hypothetical and which have never been more unlikely than now?

Another doubt: What of tomorrow? This question leaves Us even more tranquil, because We can answer very simply: We do not know. The future is in the hands of God and therefore in good hands. Whatsoever things the future may bring will come about by the Divine disposition or permission. So, finally, We say and proclaim that whatsoever be the signs of Divine Providence, We shall follow them trustfully, whithersoever they may lead.

There will be many other criticisms, but We can easily divide them into two main categories. Some will say that We have asked too much, others that We have asked too little. Some will perhaps find the territory too small. We can say, without entering into particulars and untimely details, that it is indeed very small, the least possible that We could have requested in this field, and this deliberately, after long reflection, prayer and meditation. Our reasons appear to Us to be good and weighty. Above all, We wish to show that We are always the Father treating with his sons, and that Our disposition is not to make matters more complicated and more difficult, but simpler and easier. Besides, We would banish all alarms, by rendering unjust and absolutely unreasonable all the recriminations that have been made or which will be made in the name of the superstition of the territorial integrity of the country. Thus it seemed to Us that We were following a prudent idea beneficent for all, both in the present and in the future, one which provides for a greater tranquility, the first and most indispensable condition of a stable peace and prosperity.

In the third place, We would emphasize in no uncertain manner that no earthly cupidity moves the Vicar of Christ, but only the consciousness of that which it is impossible not to demand. A certain territorial Sovereignty is a condition universally recognized as indispensable to every true Sovereign jurisdiction. The least amount of territory, then, that is sufficient to support the Sovereignty itself; only that much territory without which the Sovereignty could not exist, because it would have nowhere to rest. In short, We regard the matter from the point of view of the Blessed St. Francis, just enough of the body to keep it united to the soul. So, too, with other saints, the body reduced to that which is necessary for serving the soul and for the preservation of life, and with that life its beneficent activity.

Thus, We hope it will be clear to all that the Sovereign Pontiff has only that much material territory as is indispensable for the exercise of the spiritual power entrusted to men for the benefit of men. We do not hesitate to say that We are well pleased that things are so. We are pleased to see the territory reduced to such minimum bounds as can and ought to be spiritualized by the immense, sublime and truly Divine spirituality which it is destined to sustain and serve. It is likewise true that We feel We have a right to say that the territory which We have reserved to Ourselves and which has been recognized as Ours is indeed materially small, but none the less, it is great, the greatest in the world,

from whatever point of view one contemplates it. When a territory can boast of the colonnade of Bernini, the cupola of Michelangelo, the treasures of science and art contained in the archives and in the libraries, in the museums and in the galleries of the Vatican, when a territory includes and shelters the tomb of the Prince of the Apostles, one can justly claim that it is the greatest and the most precious in the world.

Thus, triumphantly and tranquilly, We answer those who object that We have asked too little. Perhaps they have not reflected enough on all that it means in the way of inconvenience and danger, We speak of the present time, to join to the universal government of the Church the civil administration of a population, however small. The smallness of the territory protects Us against every danger and inconvenience of this sort. It is now sixty years that the Vatican has been governed without any particular complications.

Others will say, in fact they have already said or hinted, that We have asked too much in another field. That is to say, in the financial field. Perhaps it were better to say, in the economic field, for We are not treating of great state finances, but rather of a modest domestic economy. To these critics We would reply with a first reflection: If they would compute and capitalize all that of which the Church in Italy has been despoiled, going back even to the patrimony of St. Peter, what an immense mass, what an overwhelming sum it would be! Can the Supreme Pontiff allow the Catholic world to believe that he has forgotten all this? Has he not the very particular duty of providing for the present and the future, for all the needs which are referred to him from all parts of the world, which, although spiritual, cannot be satisfied without material means, for men must carry on human work under human conditions?

Another reflection which those critics do not seem to make is that the Holy See has the right to provide for its proper economic independence, without which there would be no provision for its dignity and effective liberty. We have unlimited faith in the charity of the faithful and in that marvelous work of Divine Providence of which the practical expression is the Peter's Pence, the very Hand of God, which We have seen perform true miracles for the past seven years. But Divine Providence does not dispense Us from the virtue of prudence nor from the human providence which is in Our power. It is too easy to forget that whatever compensation is given to the Holy See, it is evidently insufficient to provide even in small part for the vast needs of the entire world; for the Catholic Church extends throughout the entire world and its needs are always increasing with the ever growing, gigantic development of missionary labors, extending to the most distant lands, to say nothing of the civilized countries of Europe, and especially Italy, where, because of the spoliation suffered, the needs are incredibly numerous and not less incredibly grave, the needs of persons, of ecclesiastical works and institutions, deeply vital and so pitiful as to move one to tears, that are revealed to the Holy See as to the Father of all the faithful.

Let us return to the happenings of today and let us draw therefrom a most consoling conclusion, and the conclusion is this: That truly the ways of God are sublime, varied and unexpected, that whatsoever befalls us in our search for success, we are always in the hands of God, that great events do not obey man's mind and hand, and that like the Saviour, we profit from all and use all and make all things concur unto the attainment of the benefits of His most Holy Will. Wherefore, there remains for us but to repeat: *Fiat voluntas Tua.*

Address of His Excellency the Dean of the Diplomatic Corps to His Holiness Pope Pius XI

March 10, 1929

ADDRESS OF HIS EXCELLENCY THE DEAN OF THE DIPLOMATIC CORPS TO HIS HOLINESS POPE PIUS XI

MARCH 10, 1929

His Holiness on March 10, 1929, received in audience the Diplomatic Corps which offered its thanks for the communication to it through the Cardinal Secretary of State on February 7 of the pacts between the Holy See and Italy, which were afterwards signed at the Lateran Palace on the eleventh of the month. The Holy Father arrived shortly after twelve. In addition to the Noble Court he was accompanied by His Eminence, Cardinal Pietro Gasparri, Secretary of State, and by the Rt. Rev. Monsignori Borgongini Duca, Secretary of the Congregation for Extraordinary Affairs, and Giuseppe Pizzardo of the Secretariate of State. When His Holiness had taken the throne, His Excellency Sig. Carlo Magalhaes de Azeredo, Ambassador Extraordinary and Plenipotentiary of Brazil, advanced, and in his capacity as Dean of the Diplomatic Corps, read the following address of homage and gratitude:

MOST HOLY FATHER:

AT SUCH a solemn historical moment, before which, as before one of nature's impressive spectacles, my instinct would urge me to silence and meditation, my voice would be too weak nor should I dare to raise it, did not my chance privilege of seniority give me at once the duty and the honor of speaking in the name of the Diplomatic Corps accredited to the August Person of your Holiness.

Your Holiness, in the midst of your immense anxieties, anxieties that are particularly absorbing during these memorable days, has been good enough to set aside an hour to hear us. And so we desire in the first place to thank you for the kindness shown us when you sent us, through the Cardinal Secretary of State, the official news of the Treaties between the Holy See and the Italian Government before they were signed at the Lateran Palace by the plenipotentiaries of the high contracting parties.

It was a kindness very precious in itself. Its worth was enhanced by the interpretation put on it by your Holiness in your discourse to the Roman pastors, when you described it as a token of the high value you set on the good offices which we exercise at the Vatican, and on the friendship of the powers we represent here, and as evidence at the same time of your generous intention to spare these powers any care or responsibility.

Every act of reconciliation in the international sphere merits our cordial welcome because it is a factor and pledge of general peace. Many scorn this idea of general peace as if it were a childish dream.

We indeed do not conceal from ourselves its many difficulties. Yet our sincere efforts must tend in that direction, unless we are willing for Him who judges individuals and peoples to reproach us for the name of Christian that we bear as a mark of deceit and hypocrisy.

How specially then must we rejoice at seeing settled with the reciprocal and declared satisfaction of the two interested powers a situation which for sixty years, the length of four generations, has put both powers to painful trials, and which has saddened the Catholics of the whole world. We see the Holy See and Italy exchange the kiss of peace We hear them say to each other: "The past is over. Let us think of the future."

The Holy See, the radiant center of the Church, shining with the glory of its contributions to human civilization; and Italy, one of those nations of destiny, whose words will speak eternally to men's thoughts and feelings through the monuments of science, poetry and beauty created by her immortal geniuses. Such is the occasion at which we assist by a rare privilege in this city of Rome where twenty centuries ago the poet Virgil sang of empire almost at the very instant when, in a distant and obscure province of that Empire, He first saw the light who was to be the Master of the Empire and the world; in this city of Rome of which one might quote Dante's celebrated line, with a meaning true to the spirit of the poet if not to the literal import of the verse, in "that Rome of which Christ is a Roman."

While calling to mind the period of history thus happily ended, we bring up again with affectionate recollection the names of the venerable pontiffs who have had so much to suffer during it. We recall Pius IX who, as an echo to his pathetic prayer: "Bless Italy O great God," heard at first the applause, the enthusiasm, the wild acclaim of his country and the world hailing him as the savior of his people and as the pioneer of the hoped-for alliance between the Church and modern liberty. We recall that same Pius who, a few months later, misunderstood, dishonored, betrayed, persecuted, had to take the dreary road of exile; who came back to Rome only to change the Vatican into a citadel against revolt and heresy; and who was the first to close himself within it and to make himself its venerable prisoner.

We remember Leo XIII who from the height of this holy Acropolis sent out the influence of his immense activities, religious, social and intellectual; who penetrated with his eagle-glance the manifold problems raised by the new conditions of the world, the relations of Catholic philosophy with the increasing data of science, of capital with labor, of the Church with states whether confessional or lay, of public opinion and the platforms of parties with the authority established in those states; who carried to prodigious heights the prestige of the papacy. But we recall that he had on the other hand to undergo the bitter calumny which denounced him as the enemy of his own country, though in reality he loved it deeply until his last day, simply because he had understood that a preliminary attitude of inflexible resistance was necessary in order to bring into evidence the moral independence of the Holy See in its new conditions of life.

We recall Pius X, how he was harassed from the first day he occupied the throne of St. Peter to the end of his pontificate by the internal tragedy of Modernism; how he expired, his heart in anguish, at the first moment of the disastrous international war; how in spite of all this he took the time and the trouble to authorize the participation of Italian Catholics in the political developments of their country by mitigating several times the rigor of the "*non-expedit.*"

We recall Benedict XV who as pope lived through the most terrible crisis of our age, one of the most terrible of all ages, watching, weeping, praying God and beseeching men, offering with one hand

the olive branch, with the other the succor of a sublime charity that was a stranger to all distinction of nationality race or creed; we recall how he, as soon as the storm was over, turned his thoughts to his Italian children, definitively abolished the "*non-expedit*," favored their free and open entry into the electoral and parliamentary arena, withdrew the pontifical ban on the visit to Rome of the heads of Catholic states, and expired all too soon while expressing the hope that his successor would continue the work of rapprochement with Italy which he had begun.

These four noble Popes were all preoccupied with the solution of the "Roman Question," which might be delayed a long time, a very long time, but not forever. The two last perhaps faintly saw the gleam like the dawn-light uncertainly rising amidst the clouds.

To your Holiness was reserved the happiness of realizing the solution, the just reward of all the trials which your predecessors so great-heartedly supported and of the fervent aspirations of him who since the moment of his election has desired and prayed for that "hour of God" of which his first benediction "*urbi et orbi*" was already perhaps in his own mind an announcement and a pledge.

Among the remarkable facts bound up with the history of the Holy See in this "*grande aevi spatium*," a space of time greater by the mighty and rapid course of its events than by its number of years, there is one which must be particularly mentioned on this occasion and in this discourse, both on account of its real importance and on account of its direct concern to us. I mean the continual presence of the Diplomatic Corps, more or less numerous according to the time but always regularly constituted, around the Pontifical Throne. As a group, and despite partial and transient absences and the changes that happen everywhere, it has never abandoned the place of honor which it held here on September 20, 1870.

Jurists, journalists and amateurs of international politics might debate the essence and even the existence of the sovereignty of the popes. Some might say that its character "*sui generis*" implicitly denied a real sovereignty, as if the notion of sovereignty had been unchanging in a history which like nature is in continual development. Yet our presence here gave tranquil, silent testimony before the whole world to the fact: that the popes, while the problem of their territory remained unsettled and subject to their protest, *continued* to be sovereigns as in the past. And this was evident because sovereign powers would not have delegated to their ambassadors and ministers the mission of speaking for their interests to a person not qualified to receive their pleas, that is to a person not possessing the essential attributes of sovereignty.

Spiritual sovereignty? Yes, doubtless, spiritual sovereignty also. Spiritual sovereignty, more sublime and august than the other. Spiritual sovereignty the source and foundation, by gradual and mysterious historical processes, of temporal sovereignty; coexisting with it, yet distinct from it. It was not to the first of bishops, it was not to the bishop of Rome, not to the metropolitan of the Roman province, not to the primate of Italy, not to the patriarch of the West, not even exclusively to the successor of the Prince of the Apostles that the powers accredited their representatives; but to the heir and successor of the Pontiff-Kings clothed during twelve centuries with both spiritual and temporal sovereignty. And the papacy acted in harmony with this procedure in naming nuncios and internuncios, who, by a privilege everywhere respected, were by full right the deans of the Diplomatic Corps. When, in a famous document addressed to the great pope Leo XIII, Bismarck called him "Sire," he only expressed, by one of those picturesque forms habitual to his style, an evident and incontestable truth.

We may be permitted therefore to celebrate on this occasion with legitimate pleasure and not without a certain pride the role which has fallen to our predecessors and to ourselves as representing the powers in the formation of a now indestructible historic tradition, which has fixed in the imagination of peoples and their magistrates the picture of the Sovereign Pontiff, surrounded not only by cardinals, prelates and ecclesiastical dignitaries and officers, but also by the Diplomatic Corps as a visible and undeniable sign of his sovereignty.

It is additional reason for great rejoicing that we see that sovereignty recognized now by Italy, the fatherland of great thinkers, great writers, great artists, the fatherland too of great Christians and great saints. In a spirit of sincere friendship for the Holy See and for Italy, we hail this work of reconciliation now accomplished thanks to the harmony in the desires of your Holiness, of his Majesty King Victor Emmanuel III, of the illustrious head of the government, his Excellency Benito Mussolini, and of our beloved chief, His Eminence, Cardinal Pietro Gasparri.

We contemplate this tiny piece of territory. By an act of splendid generosity as well as of supreme wisdom your Holiness has remained content with it in order to make sure that the seal of real and visible independence should not be lacking to the superior majesty of moral independence of the Holy See consecrated by the centuries. We consider this territory as a common centre where Catholics will feel themselves eternally at home, for this is the dwelling of the Universal Father whose solicitude and love extend over all frontiers, and receive with the same attentive and impartial care the spiritual needs and the just aspirations of all peoples. And we repeat with your Holiness that this section of territory is materially small but spiritually immense, since it contains treasures unique in this world, and since it is the true city of souls, a beacon, an asylum, a centre of attraction for hundreds of thousands of souls.

While offering to your Holiness our most respectful homage, we renew the congratulations of our governments, and with them we hope with all our hearts that the epoch which has just been opened in the history of the Church, may contain only prosperous days for yourself and days of peace for all nations.

Response of His Holiness to the Diplomatic Corps

DIPLOMATIC CORPS TO HIS HOLINESS PIUS XI

Reading left to right: *1st Row* - H. E., M. Concha, Ambassador from Colombia; H. E., M. Romero, Ambassador from Peru; H. E., Marquis de Magaz, Ambassador from Spain; H. E., M. Subercaseaux, Ambassador from Chile; H. E., M. Azeredo, Ambassador from Brazil; His Eminence Cardinal Gasparri, Secretary of State of His Holiness; H. E., M. Von Bergen, Ambassador from Germany; H. E., M. Skrzynsky, Ambassador from Poland; H. E., M. Van Ypersele, Ambassador from Belgium; H. E., M. Blancas, Ambassador from The Argentine Republic; H. E., Viscount de Fontenay, Ambassador from France.

2nd Row - M. Thynne, Attache of the British Legation; M. Steinmann, Chancellor of the German Legation; M. Randall, Secretary of the British Legation; Rt. Rev. Msgr. Skirmund, Chancellor of the Polish Legation; H. E., M. Kohlruss, Minister from Austria; H. E., M. Radinsky, Minister from Czechoslovakia; M. Mohrmann, Secretary of the German Legation; H. E., M. Saulis, Minister from Lithuania; H. E., M. Simic, Minister from Jugoslavia; M. Gentil, Chancellor of the French Legation; H. E., Count Capello, Minister from Nicaragua; M. de Mendoza, Attache of the Peruvian Legation; M. Gomez, Chancellor of the Polish Legation; H. E., Count Manasse, Minister from San Marino; M. Rolandone, Secretary of the Argentine Legation; H. E., M. Chilton, Minister from Great Britain; Monsignor Moscatello, Ecclesiastical Counsellor of the Jugoslavia Legation; H. E., M. Barcza, Minister from Hungary; M. Jurasco, Chancellor, Charge d' Affaires of the Roumanian Legation; H. E., M. Castro, Minister from Portugal; Monsignor Borgongini, Secretary of the S. C. for Ecclesiastical Extraordinary Affairs; M. Mata, Charge d' Affaires from Venezuela; Monsignor Pizzardo, Substitute of the Secretariate of State; H. E., M. Cortadellas, Minister from Bolivia.

3rd Row - M. Figueira de Nello, Chancellor of the Brazilian Legation; M. Nepustil, Secretary of the Czechoslovakian Legation; M. Mitrovic, Secretary of the Jugoslavian Legation; M. Sieniawski, Secretary of the Polish Legation; Monsignor Wetterle, Ecclesiastical Adviser of the French Legation; M. Dulong, Secretary of the French Legation; Monsignor dos Santos, Ecclesiastical Counsellor of the Portuguese Legation; M. [illegible], Secretary of the Spanish Legation; M. Cardenas, Secretary of the Colombian Legation; M. de Charmasse, Secretary of the French Legation; M. Olivares, Secretary of the Spanish Legation; M. Kuhn, Secretary for Bavaria; M. Von Brentano, Counsellor of the German Legation.

4th Row - Marquis Persichetti, Secretary of the Nicaraguan Legation; M. Castrignano, Attache of the Lithuanian Legation; M. Gridvainis, Secretary of the Lithuanian Legation; M. Bernardo, Secretary of the Portuguese Legation; M. Rodriguez, Secretary of the Chilean Legation; M. Fernandez, Chancellor of the Chilean Legation; M. de Bobrick, Secretary of the Hungarian Legation; M. Komarnicki, Counsellor of the Polish Legation; M. Janikowski, Counsellor of the Polish Legation.

RESPONSE OF HIS HOLINESS TO THE DIPLOMATIC CORPS

WE HAVE before Us a magnificent audience: one, We do not hesitate to say, which surpasses all others in grandeur and importance.

This is to pay no compliment, Gentlemen. It is only to say that from a certain point of view, a real and positive point of view, your visit in a body is truly the greatest and most important that could be paid Us. And it is you yourselves who confirm Us in this point of view.

For it is not only your esteemed and beloved selves that We see here. Behind each of you We cannot help but see your respective sovereigns, presidents, regents, chiefs of state, or whatever name they go by. And together with them We see your governments, your peoples, your entire countries all together; a vision of truly apocalyptic grandeur, of world-wide immensity: "*visionem magnam, a great vision.*"

And you come to thank Us for something, which, thanks to you, has rather become a new cause for Our gratitude to you.

Indeed it is thanks to you, to your good offices, that the communication which We made you through Our Cardinal Secretary of State concerning the events which were about to take place, it is thanks to your intelligent and benevolent transmission and interpretation that this communication has brought Us the most comforting and the most satisfactory testimonies of sympathy and approval. This sympathy and approval have never been denied, nay they have sometimes been emphasized since 1870, but at the present hour, in a moment, one might say a transition-point, so important, they have been expressed in such solemn and such impressive demonstrations that they have replaced and immeasurably surpassed all the guarantees that We could have desired.

We say the guarantees that We could have desired; for there are guarantees which We could not in any way either desire or accept.

This is a distinction which has been forgotten by the numerous dilettanti and amateurs, as your eloquent spokesman has called them, of international law. This distinction comes to the same thing as that between juridical guarantees and moral ones.

The juridical guarantee is that which the ancient and solemn language of law defines as defense or tutelage, *defensio*, *tutela*. *Defensio*, defense against the enemy or the insolvent. Against the enemy? But We are nobody's enemy, and We believe that We have no other enemies than those of truth and goodness. Defense against the insolvent? But We have believed and We still believe in the honesty and persevering good-will of those who showed themselves ready and willing to negotiate.

If not defense then tutelage? Still less could We accept that. It was St. Paul the Apostle who said that even the rich heir differs not at all from the slave as long as he is under tutelage. And finally, whether defense or tutelage, how could We impose on others such cares and responsibilities?

But if We may not speak of juridical guarantees We can speak of moral ones.

Such is the one magnificent of its kind, one might call it a diplomatic guarantee, which you, gentlement, represent, which you form, and which your eloquent spokesman has so opportunely recalled so luminously brought out in all its extent and in all the force of its meaning.

There is another which ever since the eleventh of February has continued to fill the countries of the entire world. It is the great, incomparable plebiscite, not only of Italy but of all the parts of the world. Perhaps the like of it has never been seen before. There is in these words no exaggeration: We have received letters and dispatches not only from all the towns and villages of Italy, not only from all the towns and from many villages of all the countries of Europe, but also from the two Americas, from the Indies, from China and Japan, from Australia and New Zealand, from the North, Centre and South of Africa, from Alaska, from Mackenzie, from Hudson Bay, as if it were a question of some local event. This is a fact truly impressive, and one which authorizes Us in saying that not only the people, all the people of Italy, but the peoples of the entire world are with Us: a true plebiscite has been rendered not only by the nation but by the world. This is the most imposing guarantee that one can think of or imagine.

In the midst of this vast and immense suffrage We cannot fail to signalize certain voices which have profoundly moved Us. First is the voice of the small number of survivors in your different countries from among those brave men who for years in a spirit of Catholic faith put their lives at the disposal of the Holy See for its defense. Say to these brave men that the Holy Father has prayed and offered Masses for all those unforgettable ones, their dead and Ours.

Another touching voice is that of those, especially in Italy, who have said to Us: "Now we shall begin again to make our Easter duties." Here a whole tendency, a whole great region is revealed: the region of consciences, the tendency towards religious pacification. It is the loftiest point of view. It is infinitely more worthy of consideration than the civil and political pacification of a country although, this in itself is a great and inestimable treasure. This thought brings Us once more to the dear and beautiful mountains of Our youth. One has to mount high to get the most magnificent points of view; one has to gain the summits, the crests; up there you see no longer the lovely valleys, the picturesque houses, the pensive steeples yet the scenery is infinitely broader and more sublime. And We likewise from the point where We stand, when We think of the pacification of so many souls and consciences not only of Italy, but in the entire world, cannot but feel the duty of thanking the good God with all Our heart. Nor can We fail to thank all those who have contributed of their good will, no small nor indifferent contribution, to this great work of pacification. It seems to Us that We have the Right to rejoice over it and to invite all the world to rejoice with Us.

It only remains for Us, Gentlemen, to give you, in the words of St. Peter the first Pope, "that which we have", Our blessing. We give it with all Our heart to your families, to your countries, to the peoples and governments which you represent, and to all the thoughts and desires of your hearts.

Message of His Excellency Honorable Benito Mussolini, Prime Minister, to the Chamber of Deputies

April 30, 1929

MESSAGE OF HIS EXCELLENCY HONORABLE BENITO MUSSOLINI, PRIME MINISTER, TO THE CHAMBER OF DEPUTIES

APRIL 30, 1929

Honorable Deputies:

THE agreements signed February 11, 1929, the Seventh Year, between Italy and the Holy See, and which in the present bill are submitted for your examination and approval, are three: a Political Treaty, a Financial Agreement, a Concordat.

To trace the story of the precedents of the "Roman Question," solved and eliminated by the Lateran Treaty, would now be superfluous; the phases through which the "Roman Question" has passed from 1861 until the present day are known to all of you, and around it there has grown up a vast, world-wide literature.

You know the endeavors of Cavour and of Crispi; you know the attitude of those high prelates who at various times proposed solutions of the "Roman Question;" and you know the unequivocal attitude of the Supreme Pontiffs from Pius IX to Pius XI.

The Law of Guarantees

With the Law of Guarantees unaccepted by the Supreme Pontiff, there arose the painful, and sometimes dangerous situation of the Head of the Catholic Church failing to recognize either the Kingdom, or Rome as the capital of the Kingdom of Italy. There were ups and downs; there was tension and there was silence; but the juridical position remained unchanged. The Holy See unceasingly proclaimed that the Law of Guarantees did not and could not solve the problem of a visible and effective sovereignty of the Supreme Pontiff. Nevertheless the same unrecognized and hence ineffective Law of Guarantees, while failing to adjust the relations between Italy and the Holy See, had actually created a species of sovereignty of the Holy See.

Into the Law of May 13, 1871 there had been introduced the following elements which are real and unquestionable attributes of a sovereign power and the explicit recognition of sovereign honors due the Supreme Pontiff: authorization to retain an armed guard, even of foreign origin, for his defense; a civil roll, and above all the right to send and receive envoys, in which right is manifested one of the greatest attributes of a sovereign power, and internationally recognized as such.

The Law of Guarantees had created a kind of Papal sovereignty which was three-quarters *de jure* and the rest *de facto*, since the Italian Government never proposed an act affirming its sovereignty

in the Vatican territory where the Popes have dwelled since 1870. The Bronze Gate was never entered by an official or an authority of the Italian State; it was not the entrance to a palace, but the boundary of a state. That the Government of 1870 had no intention whatever of removing the Pope from Rome, of depriving him of his powers as a sovereign and of his royal palace, is shown by the fact that the Foreign Minister of the Visconti-Venosta Government declared to the Powers that the Leonine City would remain under the absolute sovereignty of the Holy See. It follows that if the Holy See had agreed to treat upon the basis of the Visconti-Venosta Circular, the territory of the Vatican City would be much more vast and much more populous than it is now, reduced, as it is, by the desire of the Holy See itself, to narrower limits from a territorial point of view.

Perhaps it is worth while to mention that the Holy See in the negotiations held from 1926 to 1929 never asked an opening to the sea, a corridor or other complicated territorial enlargements. At one time she did ask Villa Doria Pamphili and the intervening territory (a total of four or five square kilometers), but since the request was not granted, or was granted only in case the sovereignty of the Italian State should be recognized, with the payment of one lira a year by the Holy See, she herself deemed it best not to insist, and limited herself to requesting sovereignty over the Vatican as actually constituted, even without the Palace of the Holy Office.

The fundamental idea that guided the negotiations on the Italian side did not admit that there could be question of ceding even the smallest parcel of territory beyond that already possessed by the Holy See, and the happy outcome of the negotiations was greatly aided by the fact that the Holy See acquiesced in this idea, justly convinced that the independence and the splendor of the Papacy were not necessarily bound up with a greater or lesser extension of the territory held since 1870. Stripped of all polemic bitterness and in a new atmosphere of seven years' making, the "Roman Question" found itself in 1929 capable of solution through a reciprocal *de jure* recognition of a situation which had now become *de facto* unchangeable.

Examination of the articles of the Treaty shows that the recognition of the independence of the Holy See is explicit, sincere, perfect. Naturally, in view of the nature of the Holy See's sovereignty, and, above all, in view of the pastoral mission of the Supreme Pontiffs, and in view also of the territorial peculiarity of the State of the Vatican, special criteria had to be adopted regarding the Piazza and Basilica of Saint Peter, regarding citizenship, the right of extradition, the administration of penal justice, and other lesser peculiarities of *this City, which may be called a City of souls rather than of things and men.*

It is supremely important to note that there was never any question of the intervention of foreign Powers, and it is needless to explain the import of the article by which the State of the Vatican is recognized as neutral, hence inviolable, and declares her will to remain outside of all temporal competition among the States. *The State of the Vatican is not only defended by its very smallness, since an attack upon a small state was never a proof of valor, but instead it always has been and will be a meritorious act to defend it, but it is also defended by the fact that the Italian State, by whose territory the State of the Vatican is surrounded, solemnly proclaims itself Catholic in the first article of the same Treaty.*

The consequent political, religious, and moral benefits of this agreement are evident and it is not necessary to review them, so clear have they already appeared in the judgment of Italy and of the world. The fact that it has fallen to the lot of the Fascist Regime to solve a question which had been considered

insoluble and which had tormented every Italian Government since 1860 is one proof of the worth and of the solidity of the Fascist Regime.

The Financial Agreement

Regarding the financial agreement, despite the difficulties following upon the War, it is not to be considered excessively burdensome. The amount to be paid is divided into two parts: one in cash and the other, the greater part, in government bonds. Mention must be made of the confidence which the Holy See shows in the Italian State bonds. A billion lire in government bonds is worth today 800,000,000 lire, more or less, which, added to the 750,000,000 lire in cash, makes a total of 1,500,000,000 paper lire of today; equivalent to 400,000,000 of those pre-war gold lire, which, at the rate of 3,225,000 a year were allotted annually in the Grand Ledger of the Public Debt as a perpetual and inalienable fund. By a single payment of the above-named sum, the financial obligations of Italy toward the Holy See are liquidated forever.

While the political treaty regulates the relations between Italy and the Holy See, as the central and therefore the supernational organ of the Catholic Church, the Concordat regulates the relations between the Italian State and the Church in Italy, as a part of the Universal Church.

Relations Between Church and State

The Treaty was necessary to heal the unfortunate dissension which arose during the formation of Italian unity through a complex of circumstances deriving more, perhaps, from the fatality of the historical events than from the ill-will of men, and which has disturbed the Italian conscience for over seventy years. This dissension, concerning as it did the territorial situation of the Holy See and the guarantee of independence needed by the Supreme Pontiff for the exercise of his spiritual mission in the world, required an agreement of a special character and of an exceptionally political nature.

But with such an agreement it could not be said that the relations between the State and the Church were settled. The disagreement lasting for three-quarters of a century had had serious results also for the Church in Italy. These consequences were not in truth intended by the leaders of the *Risorgimento*, who, while striving to realize Italian unity with Rome as the capital, desired that this might possibly come in a manner agreeable to the Holy Father without injury to his independence or offense to the religious sentiment of the vast majority of the Italian people. Unfortunately this was not possible, and with the dissension and bitterness that followed naturally upon the events of 1870, the relations between the Catholic Church in Italy and the Italian State became seriously disturbed. Between the Italian clergy and the Italian State there grew up a condition of mutual distrust, if not open hostility, reflected in all the legislation of the Kingdom of Italy in ecclesiastical matters. This legislation did not limit itself, however, to the elimination of those institutions which, having grown up in times past, were no longer compatible with the exigencies of modern civilization. Instead it went much further, stretching its hand into places where, apart from the political considerations of the moment, there was no need of it.

On the other hand, the currents of thought which dominated the *Risorgimento* rendered the hostility more serious, due to the very exigencies of the national formation and of the constitution of the new State, while the same currents were leading men to look upon religion as a problem of the individual conscience, and hence the Church and her organization as a private affair to be regulated according to the common law.

Formulae That Could Not Be Realized

The liberal idea of denying to the Catholic Church in Italy all juridical recognition became, in time, reinforced by the contingencies of political opportunity. Immediately after the establishment of Italian unity, it was believed that such unity could be finally completed by annexing the City of Rome, in virtue of a compromise, whereby the Holy See should renounce all temporal power, receiving in exchange full liberty for the Church in Italy. Thus arose in the mind of Camillus Cavour the formula "*A free Church in a free State.*" by which liberalism would have secured for Italy its capital and, together with this, a state of agreement with the Roman Pontiff and peace of conscience.

After so great a lapse of time and so many experiences, it would be easy to show the defect of this idea and this formula. Still easier it would be to show the fallacy of illusions which could lead to the belief that in exchange for the State's renunciation of all interference with the Church in Italy, the Holy See, a supernational entity and the supreme organ of Catholicism throughout the world, could renounce the guarantees thus derived to her from the possession of territorial sovereignty, and reduce herself to the conditions of a private organization regulated by the laws of the Italian State.

However, realities prevailed over doctrinaire formulas. Agreement with the Holy See on the basis proposed by liberalism was impossible. It was not seen possible to make a logical and complete application of the principle "*A free Church in a free State,*" for this principle, apart from the contingencies of political opportunity which determined the enunciation of it, showed itself to be in practice contrary to the doctrine of the Church and hence unacceptable to it, repugnant to the religious conscience of the Italian people, and dangerous to the sovereignty and the authority of the State.

And so, when it came to arranging the relations between the State and the Catholic Church in Italy, the rigid principle of separation, which was dear to the liberal doctrine, and which had found its most plastic expression in the formula "*A free Church in a free State,*" had to undergo numerous changes and exceptions, by which there were reserved to the State a series of faculties which recalled the old jurisdictionalism. Thus was retained the right of "*regalia,*" the right of "*placet*" for the appointment of bishops and pastors, the right of *Apostolic Legacy in Sicily*, the appeal "*ab abuso*", etc.

And even after the Law of Guarantees had somewhat reduced such interference, there still remained in vigor not a few institutions entirely jurisdictionalist in character. And then if we turn to the developments of legislation in the period following 1870, to the rigorous measures made for the ministers of Catholic worship by the Penal Code of 1890, to the regulations restricting religious entities contained in the Law of July 17, 1890 on public beneficent institutions, we must confess that the real principle of separation found application only against the Church, while under another aspect it was the principle of interference that became recognized.

This state of affairs, justified perhaps by the reciprocal hostility that endured between State and Church, had to be radically changed on some day, looked forward to for long years, when the longstanding differences would come to a happy adjustment.

The Work of the Fascist Regime

As a matter of fact, some time before the historic event of February 11, 1929, the bitterness of the relations between the State and the Church in Italy had become somewhat attenuated. It was to the particular credit of Fascism that the State had reaffirmed its essentially Catholic character as a State.

The first article of the constitution, which had long remained a dead letter, returned to vigor and was applied in practice. The Crucifix, long since banished, was restored to the schoolrooms and tribunals; civil holidays were made to coincide with those of the Church; spiritual aid was restored to the armed forces and to the juvenile organizations; ecclesiastical legislation in force was applied in a spirit devoid of sectarianism and suspicion and prompted by the deference due to an institution of such moral, social, and historical importance as the Catholic Church. *But with political dissension at an end, with the Supreme Pontiff guaranteed the conditions necessary for the free exercise of his religious and spiritual mission, with the solemn declaration of the Holy See that these guarantees were sufficient, with the Roman Question thus definitely ended, and the Kingdom of Italy under the dynasty of the House of Savoy, and with Rome as its capital recognized by the Supreme Pontiff, the relations between the State and the Church in Italy had to be arranged on a new basis.*

The Church in the Catholic State

No hostility, no diffidence toward the Church or toward religion. On the contrary, a reality had to be explicitly recognized, for, since the Italian people is almost totally Catholic, and Catholicism the ancient glory and tradition of Italy, *the State, which is the juridical organization of the Italian Nation, the representative of its spirit and the heir of its traditions, is not and cannot be aught but Catholic.* This is a fundamental principle set down in Article I of the Treaty, and the Concordat is its logical and necessary development.

In a Catholic State the Catholic Church ought to enjoy a juridical condition of particular favor if not privilege in the old sense of the term, and not only in a negative way, which might be done even in a liberal and agnostic state. The first article of the Concordat affirms this principle and about it there can, in truth, be no doubt.

This signifies evidently that by the Concordat signed February 11, 1929, the principle of the separation of Church and State, as it was understood by the old liberal doctrine and is today professed by the anti-clerical democracy, is abandoned. That is, we no longer consider the Catholic Church as a private association regulated by the common law, religion as a problem of the individual conscience in which the state ought not to interest itself, and the State as an organization agnostic as to things religious, and indifferent in respect of all religions.

But the abandoning of the principle of separation, which, for that matter, was never completely applied, does not signify the introduction of a system whereby the two powers, the civil and the religious, become mixed or confounded. *The Concordat of February eleventh inaugurates a regime of concord and co-operation, no longer of confusion, between the State and the Church.* Concord and co-operation presuppose the two powers to be distinct, the one dominating in the field of religious conscience, the other in the civil and political field. But since between these two fields there are continual relations and contacts, it is manifest that there must be agreement and co-operation between the Church and the State.

Such co-ordination the Concordat provides for with a spirit of greater reciprocal respect between the two powers, a respect which signifies reciprocal independence and therefore, in whatever concerns the State, the complete safeguard of its sovereignty.

Let no fear, therefore, arise in the minds of those insincere upstarts who advocate a state sovereign indeed, but anticlerical, that by the Concordat, the Italian State, which, it must not be forgotten, is a

Fascist State, has abandoned any slightest part of its sovereignty. Nor need they fear that the Concordat will revive in Italy the Middle Ages and all the old situations that modern times had and have finally eliminated.

There is no revival either of the privileged ecclesiastical forum or of the right of asylum; the mortmain is not reestablished nor liberty of conscience and of worship suppressed.

No one has asked to resuscitate the old things that have now declined, to revive those institutions of past times incompatible with that spirit of modern civilization, which even the Catholic Church, in her wonderful age-old spirit of adaptability, has shown herself fully able to appreciate.

In the Concordat the Catholic Church is assured the free exercise of her spiritual power and she gains besides a position of special prestige in the fact that the Catholic religion is the official religion of the State. But full liberty for the exercise of the other forms of worship admitted in the State and the equality of citizens before the law, no matter what religion they profess, neither is nor could be affected in the slightest degree. To remove all doubt in the matter, we shall propose to you a special bill, which will afford clear-cut provisions which, by unifying and co-ordinating the scattered provisions of the various laws, will guarantee in a tangible way the free exercise of every form of worship as long as it is not contrary to the public order or the common good, and affirms that religious profession has no bearing upon the enjoyment of the civil and political rights of the Kingdom.

It is agreed, indeed, by the Concordat, that in consideration of the sacred character of the Eternal City, the Episcopal See of the Supreme Pontiff, the center of the Catholic world, and the goal of pilgrimages, the Italian Government shall impede in Rome anything disrespectful to that character (Art. I). But this does not mean that Rome, which has always been and must still be the mother and the standard-bearer of civilization, is to remain closed to the currents of new ideas and to the acquisition of modern thought. All that is intended and all that is necessary is to defend Rome's devout, sacred character, spreading out from the Catacombs to her four hundred churches, against those utterances and manifestations which lack the serene composure of thought and the reverent consciousness of the solemnity of the place.

Conditions of Ecclesiastics and Religious

Ecclesiastics and religious are considered as charged with a mission which, by its very character, is of interest to the State, and they are therefore to be accorded particularly deferential consideration. But the Concordat allows them no privileges that would differentiate them from other citizens charged with functions affecting the public welfare.

Though exonerated from military service in times of peace, priests are subject to it in case of mobilization, and are to be assigned to offices in keeping with their character as ministers of religion. Only those priests who have the care of souls can be completely dispensed from military service, just as those officials are exonerated from the call to arms who are in charge of state offices or of public enterprises which are declared indispensable (Art. 3).

Thus the dispensation of ecclesiastics from jury duty (Art. 4) and the faculty excusing them from giving testimony or information concerning facts or persons known to them by reason of the sacred ministry (Art. 7) do not substantially differ from the analogous faculties conceded to persons performing functions of public welfare. Moreover, all these dispositions merely reproduce regulations which are already found in the laws of Italy.

Likewise, Article 8 provides that in case an ecclesiastic or a religious is accused of an offense before a penal magistrate, the Procurator of the King must immediately inform the Ordinary of the Diocese in which the ecclesiastic or religious exercises jurisdiction and must promptly transmit to the Ordinary the findings of the indictment and also, as the case may be, the judicial sentence, both in the first instance and in the appeal.

This provision and the others of the same Article, regarding the consideration to be shown ecclesiastics and religious who are arrested or detained, assuredly contain no remains of the privilege of the ecclesiastical forum so tenaciously defended by the Catholic Church in times past. The law of the State suffers no exception.

Although the law is silent, the doctrine already allows that the fruits of a benefice may be, *de lege condita*, immune from sequestration, at least within the limits of the *portio congrua*, inasmuch as the income of the benefice is considered as a means of sustenance. Hence no extraordinary privilege can constitute an exemption from claims established by Article 6 upon the stipend and allowance of ecclesiastics, this exemption being limited for ecclesiastics as it is for the employees of the State.

The prescriptions of Article 9 have nothing to do with the right of asylum. According to this Article, excepting cases of urgent necessity, the police, before entering a building open for worship, must notify the ecclesiastical authority. In this limitation, which by no means constitutes an obstacle to the repression of delinquency, there is to be seen a token of respect for the devout peace of sacred edifices, and not a means of protection for wrongdoers who take refuge there.

On the other hand, the Concordat justly recognizes that the sacred character which ecclesiastics have voluntarily assumed imposes upon them special duties, even before the State. Co-operation between the civil and the religious powers requires that they act harmoniously in every field. However, the ecclesiastic who has subjected himself to the discipline of the Church cannot serve the State, at least in those avenues where his particular prestige would avail, if he is a deserter or an outcast from the Church (Art. 5). For the same reason Article 29 (i) forbids those ecclesiastics or religious to wear their distinctive garb who, by definitive provision, have been denied this right by the competent ecclesiastical authority.

Religious Institutes and Associations

The State, tempering the severity of the confiscatory laws, recognizes in Article 29 the juridical personality of churches open to worship, which hitherto did not enjoy such recognition; of religious bodies whose headquarters are in the Kingdom; of the Italian provinces of those bodies whose headquarters are outside the Kingdom, and of foundations for religious purposes, provided they actually serve the religious interests of the people. This recognition involves no restoration of the properties appropriated by the State in virtue of the laws of suppression, nor does it imply any danger of the eventual revival of a vast patrimony in real estate to be withheld from economic circulation and from serving to advance modern agricultural progress. It must be noted, however, that although the Law of Suppression remained in rigor, religious entities deprived of juridical personality, easily succeeded in holding property vicariously. With such entities recognized, there will no longer be any occasion for fraud, and the State which, by Article 30, reserves to itself as heretofore the right to authorize all purchases by ecclesiastical institutions and by all religious bodies, will be able to prevent the formation of a new mortmain.

The Concordat, it is true, restores to the ecclesiastical authority the administration of the ecclesiastical patrimony, abolishing the fees on major and minor benefices (Arts. 25 and 30), but the right is reserved to the State to intervene in the management of the patrimony of ecclesiastical benefices, and in all acts over and above simple administration. (Art. 30, Par. 3).

In conclusion, while the fees and the obligation to contest real estate are abolished, the State retains in relation to ecclesiastical entities three fundamental rights: the right to recognize these entities according to the regulation established by the civil laws (Art. 29); the right to authorize every acquisition of property which they wish to effectuate (Art. 30 and 32); the right, finally, to authorize all acts beyond mere administration, and to intervene in determining the custody of the property during the vacancy of a salaried benefice (Art. 30, Par. 3). These are noteworthy rights, sufficient, in our opinion, to avoid the repetition of the old abuses, and at the same time respectful of the autonomy of ecclesiastical entities.

The Oath of Bishops

Article 16 of the Law of Guarantees abolished the "Exequatur" and the "Placet," keeping them only temporarily in force until further provision should be made by law for rearranging the administration of the ecclesiastical patrimony.

The Concordat (Art. 24) abolishes the "Exequatur" and the "Placet" and every other government appointment regarding the provision for ecclesiastical benefices and offices.

This renunciation which the Law of 1871 had made purely and simply, without any respective compensation, makes part of the whole complex of the new system, which bases the relations between the State and the Church on the foundation of a greater reciprocal confidence and of more loyal co-operation.

The Concordat substitutes previous approbation (Arts. 19 and 21) in place of the "Exequatur" and the "Placet" which were instruments of control in the hands of the State, but which neither impeded nor could impede the appointment of the beneficiary, nor, once he had been appointed, the definitive and perfect acquisition of his quality as the appointee; thus these instruments became the source of continuous strife.

In fact, before proceeding with the appointment of an archbishop or bishop of a diocese, or of a co-adjutor with the right of future succession, Article 19 provides that the Holy See shall communicate to the Italian Government the name of the person chosen, to ascertain that the Government has no objections of a political nature to raise against the appointment. Analogous provision is made in Article 21 for the appointment of those to be invested with parochial benefices.

This system, while avoiding conflicts between the ecclesiastical and the civil authority, is much more efficacious and a far greater guarantee for the interests of the State, since it is much easier, especially in a regime of cordial co-operation, to prevent an appointment than to secure the recall of an appointment already made.

The spirit of reciprocal confidence which lies at the base of the new relations between the Italian State and the Catholic Church, and inspires the whole Concordat, manifests itself very clearly in the oath of fidelity of bishops, agreed to by the Church and consecrated in Article 20 of the Concordat.

Having settled the differences between the two governments, and overcome the indifference with

which, although living side by side and operating in the same territory, they ignored or appeared to ignore each other, the two powers exchange reciprocal acts of recognition and loyally accept each other's authority. The Church, liberated and secure, authorizes her pastors to swear fidelity to the King who personifies the Nation.

Marriage

The co-operation between the State and the Church is manifest, finally, in perhaps its most typical forms in two particularly delicate fields: that of marriage, and that of public instruction.

Here, too, there is nothing which detracts from the sovereignty of the State, but only the due recognition of the value of the Catholic religion as the religion of the State and of the Italian people.

Article 34 of the Concordat declares that *Italy, desiring to reinvest the institution of marriage, which is the foundation of the family, with dignity conformable to the Catholic traditions of its people, recognizes the sacrament of matrimony contracted according to canon law as fully effective in civil law.*

According to the Concordat, marriage retains all the importance of a social and political institution, since the legal family, the primary cell of the Nation, is regulated, as heretofore, by the laws of the State.

But the State cannot forget that that essential act of the individual and social life, by which the family is constituted, is recognized by religion as sacred in character and elevated by the Catholic Church to the dignity of a sacrament.

The State has neither reason nor advantage in opposing whatever will in any way elevate such an institution in the minds of the people and enhance its spiritual value. For marriage, as for every other social institution, the State ought to set up those guarantees necessary for the complete achievement of its purpose; when such guarantees are once established, the Church is free to regulate marriage according to its own religious principles.

In contrast with the former situation, when no marriage was legal unless contracted before the Church, the Concordat presupposes the civil matrimonial legislation touching all the subjects of the State, and provides that marriages contracted by the faithful before the Church have in full the same juridical effects that the laws of the State allow to marriages civilly contracted.

It may be observed that substantially the dual character of marriage remains, and that for Catholics the ceremony is unified inasmuch as marriage celebrated by a pastor becomes, in consequence, civilly operative, as though including marriage before a state officer. *But the unification of the ceremony, while it is an act of respect toward the conception of marriage as a sacrament, will avoid that conflict and dualism which are so dangerous to public order and to the morale of the people.*

Such construction of the institution of marriage allows that not only Catholics, but also the followers of other forms of worship admitted in the State, can, if they wish, contract marriage before the ministers of their respective cults, observing, however, the guarantees established by the laws of the State.

Whoever, finally, does not wish to contract marriage with a religious ceremony, is always free to contract marriage civilly.

The reservation of matrimonial trials to the competency of ecclesiastical tribunals does not detract from the sovereignty of the State nor from its exclusive right of jurisdiction.

The necessity of such competency is seen from the sacramental dignity which marriage is recog-

nized as enjoying, and from inclusion of the civil effects in the religious celebration. As long as the two forms of marriage subsisted as two juridically distinct entities, the one foreign to the other, it required two distinct procedures to sever the two bonds, notwithstanding the serious inconvenience which this entailed.

With the parties permitted to contract marriage according to the laws of the Church and such marriage endowed with the civil effects, it is evident that the one act, and that religious, gives rise to the two bonds, and that the validity of this act can be judged by the only authority competent in the matter, namely, the ecclesiastical authority.

Article 34 of the Concordat, which guarantees the civil effects allowed to the religious marriage, requiring as it does its publication in the City Hall and the recording of the marriage on the civil records, thus reserves to the judges of the State the power of executing the decisions of the ecclesiastical authority in cases of annulment of marriage or of dispensation from marriage "ratum et non consummatum."

Religious Instruction

As regards public instruction, no right is recognized in the ecclesiastical authority to interfere in the education imparted in the public schools.

Those institutions conducted by the Church continue to be governed according to the present laws, among which there is the essential provision for State examinations in order to maintain equal standards for the public and the private schools (Art. 35).

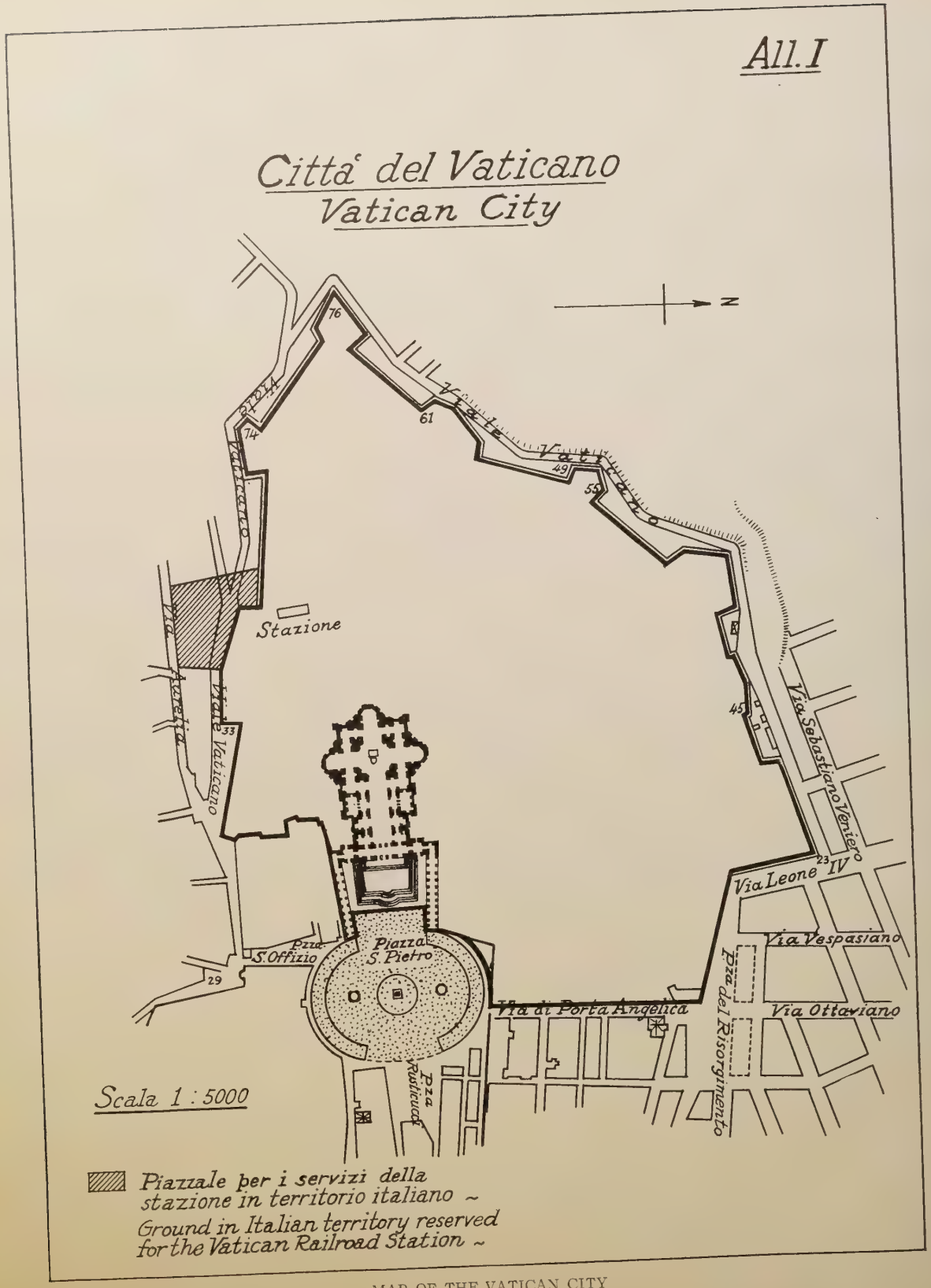
The only point on which the Concordat favors the Church in the matter of public instruction is, as is easily understood, that of religious instruction. By Article 36 of the Concordat, the State agrees that religious instruction, already being given in the elementary public schools, shall be further pursued in the secondary schools.

No right of supervision over schools, even in regard to religious teaching, is allowed the ecclesiastical authority. It is only prescribed that teachers be provided with certificates of fitness, to be issued by the bishops, and that for the teaching of religion, the textbooks adopted be approved by the ecclesiastical authority. This interference is very limited and perfectly reasonable, because in religious matters only the ecclesiastical authority can competently judge the fitness of the teachers and of the textbooks to be employed in teaching religion.

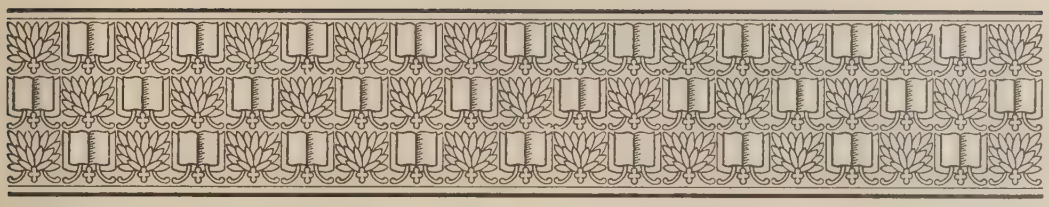
Honorable Deputies:

The Lateran Treaty has definitely established peace between the two powers—the civil and the ecclesiastical. The Concordat strengthens that peace and regulates their co-operation. Both the Treaty and the Concordat open a new era in the history of the Church and of Italy, an era which will be rich in benefits for the moral elevation of the Italian people, which is the necessary foundation of its greatness. It is with this conviction that you will cast your votes in favor of the Bill.

Official Text and Translation of the Treaty Between the Holy See and Italy



MAP OF THE VATICAN CITY



OFFICIAL TEXT AND TRANSLATION OF THE TREATY BETWEEN THE HOLY SEE AND ITALY

IN NOME DELLA SANTISSIMA TRINITÀ:

Premesso:

CHE la Santa Sede e l'Italia hanno riconosciuto la convenienza di eliminare ogni ragione di dissidio fra loro esistente con l'addivenire ad una sistemazione definitiva dei reciproci rapporti, che sia conforme a giustizia ed alla dignità delle due Alte Parti e che, assicurando alla Santa Sede in modo stabile una condizione di fatto e di diritto la quale Le garantisca l'assoluta indipendenza per l'adempimento della Sua alta missione nel mondo, consenta alla Santa Sede stessa di riconoscere composta in modo definitivo ed irrevocabile la « Questione Romana », sorta nel 1870 con l'annessione di Roma al Regno d'Italia sotto la dinastia di Casa Savoia;

Che dovendosi, per assicurare alla Santa Sede l'assoluta e visibile indipendenza, garentirLe una sovranità indiscutibile pur nel campo internazionale, si è ravvisata la necessità di costituire, con particolari modalità, la Città del Vaticano, riconoscendo sulla medesima alla Santa Sede la piena proprietà e l'esclu-

IN THE NAME OF THE MOST HOLY TRINITY:

WHEREAS, the Holy See and Italy have both recognized the desirability of eliminating every cause of disagreement existing between them by coming to a definite understanding of their mutual relations which shall be in accordance with justice and compatible with the dignity of the two High Contracting Parties and which, by assuring permanently to the Holy See a status of fact and of right guaranteeing to it absolute independence in the exercise of its mission in the world, the said Holy See may acknowledge as definitively and irrevocably settled the "Roman Question" which arose in 1870 with the annexation of Rome to the Kingdom of Italy under the dynasty of the House of Savoy;

AND WHEREAS, for the purpose of assuring to the Holy See absolute and visible independence and of guaranteeing to it indisputable sovereignty also in the field of international relations, it has been deemed necessary to establish the State of the Vatican, and to recognize so far as the latter is concerned, complete owner-

siva ed assoluta potestà e giurisdizione sovrana;

Sua Santità il Sommo Pontefice Pio XI e Sua Maestà Vittorio Emanuele III Re d'Italia, hanno risoluto di stipulare un Trattato, nominando a tale effetto due Plenipotenziari, cioè per parte di Sua Santità, Sua Eminenza Reverendissima il Signor Cardinale Pietro Gasparri, Suo Segretario di Stato, e per parte di Sua Maestà, Sua Eccellenza il Signor Cavaliere Benito Mussolini, Primo Ministro e Capo del Governo; i quali, scambiati i loro rispettivi pieni poteri e trovatili in buona e dovuta forma, hanno convenuto negli Articoli seguenti;

ART. 1.

L'Italia riconosce e riafferma il principio consacrato nell'articolo 1° dello Statuto del Regno 4 marzo 1848, pel quale la religione cattolica, apostolica e romana è la sola religione dello Stato.

ART. 2.

L'Italia riconosce la sovranità della Santa Sede nel campo internazionale come attributo inerente alla sua natura, in conformità alla sua tradizione ed alle esigenze della sua missione nel mondo.

ART. 3.

L'Italia riconosce alla Santa Sede la piena proprietà e la esclusiva ed assoluta potestà e giurisdizione sovrana sul Vaticano, com'è attualmente costituito, con tutte le sue pertinenze e dotazioni, creandosi per tal modo la Città del Vaticano per gli speciali fini e con le modalità di

ship, exclusive and absolute power and sovereign jurisdiction on the part of the Holy See;

His Holiness, the Sovereign Pontiff, Pius XI, and His Majesty, Victor Emmanuel III, King of Italy, have resolved to make a treaty, appointing for this purpose two Plenipotentiaries, namely, on the part of His Holiness, His Eminence, Cardinal Pietro Gasparri, His Secretary of State, and on the part of His Majesty, His Excellency, Signor Cavaliere Benito Mussolini, Prime Minister and Head of the Government. These Plenipotentiaries, having exchanged their respective credentials, which were found to be duly and properly executed, have agreed to the following articles:

ART. 1.

Italy recognizes and reaffirms the principle set forth in Art. 1 of the Constitution of the Kingdom of Italy of March 4, 1848, whereby the Roman Catholic and Apostolic Religion is the sole religion of the State.

ART. 2.

Italy recognizes the sovereignty of the Holy See in the field of international relations as an attribute that pertains to the very nature of the Holy See, in conformity with its traditions and with the demands of its mission in the world.

ART. 3.

Italy recognizes full possession and exclusive and absolute power and sovereign jurisdiction of the Holy See over the Vatican, as at present constituted, with all its appurtenances and endowments. Thus the Vatican City is established for the special purposes and with the pro-

cui al presente Trattato. I confini di detta Città sono indicati nella Pianta che costituisce l'allegato I° del presente Trattato, del quale forma parte integrante.

Resta peraltro inteso che la piazza di San Pietro, pur facendo parte della Città del Vaticano, continuerà ad essere normalmente aperta al pubblico e soggetta ai poteri di polizia delle autorità italiane; le quali si arresteranno ai piedi della scalinata della Basilica, sebbene questa continui ad essere destinata al culto pubblico, e si asterranno perciò dal montare ed accedere alla detta Basilica, salvo che siano invitate ad intervenire dall'autorità competente.

Quando la Sante Sede, in vista di particolari funzioni, credesse di sottrarre temporaneamente la piazza di San Pietro al libero transito del pubblico, le autorità italiane, a meno che non fossero invitate dall'autorità competente a rimanere, si ritireranno al di là delle linee esterne del colonnato berniniano e del loro prolungamento.

ART. 4.

La sovranità e la giurisdizione esclusiva, che l'Italia riconosce alla Santa Sede sulla Città del Vaticano, importa che nella medesima non possa esplicarsi alcuna ingerenza da parte del Governo Italiano e che non vi sia altra autorità che quella della Santa Sede.

ART. 5.

Per l'esecuzione di quanto è stabilito nell'articolo precedente, prima dell'entrata in vigore del presente Trattato, il territorio costituente la Città del Vaticano dovrà essere, a cura del Governo

visions laid down in the present Treaty. The confines of the Vatican City are indicated on a plan which constitutes the first appendix to the present Treaty of which it forms an integral part.

It is agreed, however, that the Piazza di San Pietro, although forming part of the Vatican City, will continue ordinarily to be open to the public and subject to the police powers of the Italian authorities. The jurisdiction of these authorities shall not extend beyond the foot of the steps leading to the Basilica although the latter continue to serve for public worship. The police, therefore, will refrain from ascending the steps and entering the Basilica unless they are requested to do so by competent authority.

When the Holy See, in connection with special functions, shall deem it necessary to close St. Peter's Square to the public temporarily, the Italian police, unless requested by the proper authorities to remain, shall withdraw beyond the outer limits of the Bernini colonnade and its prolongation.

ART. 4.

The sovereignty and exclusive jurisdiction which Italy recognizes on the part of the Holy See with regard to the State of the Vatican implies that there can be no interference on the part of the Italian Government therein, nor any other authority than that of the Holy See.

ART. 5.

For the execution of that which is set forth in the preceding article, before the present Treaty goes into effect, the Italian Government shall see to it that the territory constituting the Vatican City is

italiano, reso libero da ogni vincolo e da eventuali occupatori. La Santa Sede provvederà a chiuderne gli accessi, recingendo le parti aperte, tranne la piazza di San Pietro.

Resta per altro convenuto che, per quanto riflette gli immobili ivi esistenti, appartenenti ad istituti od enti religiosi, provvederà direttamente la Santa Sede a regolare i suoi rapporti con questi, disinteressandosene lo Stato italiano.

made free from all liens and closed to any and all tenants in the future. The Holy See will provide for closing the approaches by inclosing the open parts, except St. Peter's Square.

It is agreed, however, that regarding property therein belonging to religious institutions or organizations, the Holy See will arrange directly to determine its relations with these, the Italian State taking no part in these arrangements.

Art. 6.

L'Italia provvederà, a mezzo degli accordi occorrenti con gli enti interessati, che alla Città del Vaticano sia assicurata un'adeguata dotazione di acque in proprietà.

Provvederà, inoltre, alla comunicazione con le ferrovie dello Stato mediante la costruzione di una stazione ferroviaria nella Città del Vaticano, nella località indicata nell'allegata Pianta (Alleg. I) e mediante la circolazione di veicoli propri del Vaticano sulle ferrovie italiane.

Provvederà altresì al collegamento, direttamente anche cogli altri Stati, dei servizi telegrafici, telefonici, radiotelegrafici, radiotelefonici e postali nella Città del Vaticano.

Provvederà infine anche al coordinamento degli altri servizi pubblici.

A tutto quanto sopra si provvederà a spese dello Stato italiano e nel termine di un anno dall'entrata in vigore del presente Trattato.

La Santa Sede provvederà, a sue spese, alla sistemazione degli accessi del Vaticano già esistenti e degli altri che in

Art. 6.

Italy undertakes to furnish through agreement with the agencies concerned, assurance to the Vatican City of an adequate water supply within the territory.

It will also provide for communication with the Italian State Railways by constructing a railroad station within the Vatican City at a location marked on the annexed plan, as well as for the movement of rolling stock belonging to the State of the Vatican on the Italian railroads.

It will provide moreover for the linking up, directly with other States also, of the telegraph, telephone, radio-telegraph, radio-telephone and postal services within the Vatican City.

It will, besides, provide for the coordination of other public utilities.

The Italian State will furnish the above at its own expense within one year from the date the present Treaty goes into effect.

The Holy See will arrange at its own expense for systematizing the present approaches to the Vatican as well as

seguito credesse di aprire.

Saranno presi accordi tra la Santa Sede e lo Stato italiano per la circolazione nel territorio di quest'ultimo dei veicoli terrestri e degli aeromobili della Città del Vaticano.

ART. 7.

Nel territorio intorno alla Città del Vaticano il Governo italiano si impegna a non permettere nuove costruzioni, che costituiscano introspetto, ed a provvedere, per lo stesso fine, alla parziale demolizione di quelle già esistenti da Porta Cavalleggeri e lungo la via Aurelia ed il viale Vaticano.

In conformità alle norme del diritto internazionale, è vietato agli aeromobili di qualsiasi specie di trasvolare sul territorio del Vaticano.

Nella Piazza Rusticucci e nelle zone adiacenti al colonnato, ove non si estende la extraterritorialità di cui all'art. 15, qualsiasi mutamento edilizio o stradale, che possa interessare la Città del Vaticano, si farà di comune accordo.

ART. 8.

L'Italia, considerando sacra ed inviolabile la persona del Sommo Pontefice, dichiara punibili l'attentato contro di Essa e la provocazione a commetterlo con le stesse pene stabilite per l'attentato e la provocazione a commetterlo contro la persona del Re.

Le offese e le ingiurie pubbliche commesse nel territorio italiano contro la persona del Sommo Pontefice con discorsi, con fatti e con scritti sono puniti come le

others which it may be found advisable to open in the future.

Agreements will be made between the Holy See and the Italian Government for the circulation in the latter's territory of the vehicles and aircraft of the Vatican City.

ART. 7.

In territory adjoining the Vatican City the Italian Government pledges itself not to allow construction of new buildings overlooking it. Likewise, it will provide for the partial demolition of such buildings as now overlook the Vatican City, specifically those near the Porta Cavalleggeri and along the Via Aurelia and the Viale Vaticano.

In conformity with the regulations of international law, aircraft of any kind are prohibited from flying over territory of the Vatican.

In the Piazza Rusticucci and in the zones adjacent to the colonnade, to which the extra-territoriality mentioned in Art. 15 does not extend, any building or street changes in which the Vatican City might be interested shall be made by mutual agreement.

ART. 8.

Italy, considering the person of the Sovereign Pontiff as sacred and inviolable, declares that any and every attempt against him, as well as any incitement to commit such, to be punishable by the same penalties as attempts against the person of the King or incitement to commit the same.

Public offenses or insults committed in Italian territory against the person of the Sovereign Pontiff, whether by deed or by spoken or written word, are punish-

offese e le ingiurie alla persona del Re.

Art. 9.

In conformità alle norme del diritto internazionale sono soggette alla sovranità della Santa Sede tutte le persone aventi stabile residenza nella Città del Vaticano. Tale residenza non si perde per il semplice fatto di una temporanea dimora altrove, non accompagnata dalla perdita dell'abitazione nella Città stessa o da altre circostanze comprovanti l'abbandono di detta residenza.

Cessando di essere soggette alla sovranità della Santa Sede, le persone menzionate nel comma precedente, ove a termini della legge italiana, indipendentemente dalle circostanze di fatto sopra previste, non siano da ritenere munite di altra cittadinanza, saranno in Italia considerate senz 'altro cittadini italiani.

Alle persone stesse, mentre sono soggette alla sovranità della Santa Sede, saranno applicabili nel territorio del Regno d'Italia, anche nelle materie in cui deve essere osservata la legge personale (quando non siano regolate da norme emanate dalla Santa Sede), quelle della legislazione italiana, e ove si tratti di persona che sia da ritenere munita di altra citadinanza, quelle dello Stato cui essa appartiene.

Art. 10.

I dignitari della Chiesa e le persone appartenenti alla Corte Pontificia, che verranno indicati in un elenco da concordarsi fra le Alte Parti contraenti,

able by the same penalties as similar offenses and injuries against the person of the King.

Art. 9.

In conformity with the provisions of international law, all persons having a fixed residence within the State of the Vatican are subject to the sovereignty of the Holy See. Such residence is not lost by the simple fact of temporary domicile elsewhere unless such domicile entails the giving up of one's habitation in the Vatican City or is characterized by other circumstances which make it clear that the individual concerned has abandoned his residence therein.

When the persons mentioned in the above paragraph are no longer subject to the sovereignty of the Holy See, and according to the provisions of the Laws of Italy, and independently of the circumstances provided for above, they do not enjoy elsewhere the privilege of citizenship, they shall without further investigation be considered citizens of Italy.

The same persons, while subject to the sovereignty of the Holy See, will be subject in Italian territory, to Italian legislation; even in matters in which personal law must be observed (when these are not regulated by provisions of the Holy See), and in cases where they are believed to be citizens of other countries, they shall be subject to the laws of the State to which they belong.

Art. 10.

Dignitaries of the Church and persons attached to the Pontifical Court, who will be designated in a list to be agreed upon by the High Contracting Parties,

anche quando non fossero cittadini del Vaticano, saranno sempre ed in ogni caso rispetto all'Italia esenti dal servlzio militare, dalla giuria e da ogni prestazione di carattere personale.

Questa disposizione si applica pure ai funzionari di ruolo dichiarati dalla Santa Sede indispensabili, addetti in modo stabile e con stipendio fisso agli uffici della Santa Sede, nonchè ai dicasteri ed agli uffici indicati appresso negli articoli 13, 14, 15 e 16, esistenti fuori della Città del Vaticano. Tali funzionari saranno indicati in altro elenco, da concordarsi come sopra è detto e che annualmente sarà aggiornato dalla Santa Sede.

Gli ecclesiastici che, per ragione di ufficio, partecipano fuori della Città del Vaticano all'emanazione degli atti della Santa Sede, non sono soggetti per cagione di essi a nessun impedimento, investigazione o molestia da parte delle auttorità italiane.

Ogni persona straniera investita di ufficio ecclesiastico in Roma gode delle garanzie personali competenti ai cittadini italiani in virtù delle leggi del Regno.

ART. 11.

Gli enti centrali della Chiesa Cattolica sono esenti da ogni ingerenza da parte dello Stato italiano (salvo le disposizioni delle leggi italiane concernenti gli acquisti dei corpi morali), nonchè dalla conversione nei riguardi dei beni immobili.

ART. 12.

L'Italia riconosce alla Santa Sede il

even when not citizens of the State of the Vatican, shall always and in every case, so far as Italy is concerned, be exempt from military service, from jury duty and from all services of a personal character.

This rule will also be applied to chancery officials declared by the Holy See to be indispensable, who are permanently attached with fixed stipends to the offices of the Holy See and to the tribunals and offices mentioned below in Arts. 13, 14, 15, and 16 which are located outside the State of the Vatican. Such functionaries will be named in a second list, to be agreed upon as stipulated above, which will be brought up to date annually by the Holy See.

Ecclesiastics who, in the performance of the duties of their office, are occupied in the execution of the acts of the Holy See shall not be subjected on account of such execution to any hindrance, investigation or molestation on the part of the Italian authorities.

Every foreigner invested with ecclesiastical office in Rome shall enjoy the same personal guarantees as belong to Italian citizens by virtue of the laws of the Kingdom of Italy.

ART. 11.

The central corporate entities of the Catholic Church are exempt from all interference on the part of the Italian State (except for the provisions of Italian law concerning the acquisitions of moral entities) and also from expropriation with regard to real estate.

ART. 12.

Italy recognizes the right of the Holy

diritto di legazione attivo e passivo secondo le regole generali del diritto internazionale.

Gli inviati dei Governi esteri presso la Santa Sede continuano a godere nel Regno di tutte le prerogative ed immunità, che spettano agli agenti diplomatici secondo il diritto internazionale, e le loro sedi potranno continuare a rimanere nel territorio Italiano godendo delle immunità loro dovute a norma del diritto internazionale, anche se i loro Stati non abbiano rapporti diplomatici con l'Italia.

Resta inteso che l'Italia si impegna a lasciare sempre ed in ogni caso libera la corrispondenza da tutti gli Stati, compresi i belligeranti, alla Santa Sede e vice-versa, nonchè il libero accesso dei Vescovi di tutto il mondo alla Sede Apostolica.

Le Alte Parti contraenti si impegnano a stabilire fra loro normali rapporti diplomatici, mediante accreditamento di un Ambasciatore italiano presso la Santa Sede e di un Nunzio pontificio presso l'Italia, il quale sarà il Decano del Corpo Diplomatico, a' termini del diritto consuetudinario riconosciuto dal Congresso di Vienna con atto del 9 giugno 1815.

Per effetto della riconosciuta sovranità e senza pregiudizio di quanto è disposto nel successiveo art. 19, i diplomatici della Santa Sede ed i corrieri spediti in nome del Sommo Pontefice godono nel territorio italiano, anche in tempo di guerra, dello stesso trattamento devuto ai diplomatici ed ai corrieri di gabinetto degli altri governi esteri, secondo le norme del diritto internazionale.

See to send and to receive diplomatic representatives according to the general provisions of international law.

Envoys of foreign governments to the Holy See will continue to enjoy in the Kingdom of Italy all the privileges and immunities which pertain to diplomatic agents according to international law. Their embassies or legations may still be located in Italian territory, possessing the immunity due to them according to the provisions of international law, even though their Governments may not have diplomatic relations with Italy.

It is understood that Italy guarantees always and in every case to allow free correspondence from all nations, including belligerents, to the Holy See and vice versa, and to permit free access of bishops from all parts of the world to the Apostolic See.

The High Contracting Parties pledge themselves to establish regular diplomatic relations with each other by the accrediting of an Italian ambassador to the Holy See and of a Papal Nuncio to Italy, who will be dean of the diplomatic corps according to the customary provision sanctioned by the Congress of Vienna with the Act of June 9, 1815.

By reason of the recognized sovereignty, and without prejudice to what is set forth in Art. 19 below, the diplomatic representatives of the Holy See and couriers dispatched in the name of the Sovereign Pontiff enjoy in Italian territory, even in times of war, the same status as is due to the diplomatic representatives and couriers of other foreign states according to the provisions of international law.

Art. 13.

L'Italia riconosce alla Santa Sede la piena proprietà delle Basiliche patriarcali di San Giovanni in Laterano, di Santa Maria Maggiore e di San Paolo, cogli edifici annessi (Alleg. II, 1, 2 e 3).

Lo Stato trasferisce alla Santa Sede la libera gestione ed amministrazione della detta Basilica di San Paolo e dell'annesso Monastero, versando altresì alla Santa Sede i capitali corrispondenti alle somme stanziate annualmente nel bilancio del Ministero della Pubblica Istruzione per la detta Basilica.

Resta del pari inteso che la Santa Sede è libera proprietaria del dipendente edificio di S. Callisto presso S. Maria in Trastevere (Alleg. II, 9).

Art. 14.

L'Italia riconosce alla Santa Sede la piena proprietà del palazzo pontificio di Castel Gandolfo con tutte le dotazioni, attinenze e dipendenze (Alleg. II, 4), quali ora si trovano già in possesso della Santa Sede medesima, nonchè si obbliga cederLe, parimenti in piena proprietà, effettuandone la consegna entro sei mesi dall'entrata in vigore del presente Trattato, la Villa Barberini in Castel Gandolfo con tutte le dotazioni, attinenze e dipendenze (Alleg. II, 5).

Per integrare la proprietà degli immobili siti nel lato nord del Colle Gianicolense appartenenti alla Sacra Congregazione di Propaganda Fide e ad altri Istituti ecclesiastici e prospicienti verso i palazzi vaticani, lo Stato si impegna a trasferire alla Santa Sede od agli enti che saranno da Essa indicati gli immobili di proprietà dello Stato o di terzi esistenti

Art. 13.

Italy recognizes on the part of the Holy See full proprietary rights to the patriarchal basilicas of St. John Lateran, St. Mary Major, and St. Paul with the buildings attached to these.

The State transfers to the Holy See the free control and administration of the above-named Basilica of St. Paul and also of the monastery attached thereto, turning over to the Holy See the funds corresponding to the amounts allotted annually in the budget of the Ministry of Public Instruction for said basilica.

It is likewise understood that the Holy See is in freehold possession of the dependent edifice of San Callisto near Santa Maria in Trastevere.

Art. 14.

Italy recognizes on the part of the Holy See full and complete ownership of the papal palace of Castel Gandolfo with all the endowments, appurtenances and attachments which are actually in the possession of said Holy See, and pledges itself to cede, likewise with full proprietary rights, the Villa Barberini, in Castel Gandolfo, with all its endowments, appurtenances and attachments, this transfer to be effected within six months from the date on which the present Treaty goes into effect.

In order to unify the property sites located on the north side of the Janiculan Hill, which belong to the Congregation for the Propagation of the Faith and other ecclesiastical institutes, and which overlook the Vatican buildings, the State promises to transfer to the Holy See, or to such organizations as the Holy See shall designate, the properties in this

in detta zona. Gli immobili appartenenti alla detta Congregazione e ad altri Istituti e quelli da trasferire sono indicati nell'allegata Pianta (Alleg. II, 12).

L'Italia, infine, trasferisce alla Santa Sede in piena e libera proprietà gli edifici ex-conventuali in Roma annessi alla Basilica dei Santi XII Apostoli ed alle chiese di Sant'Andrea della Valle e di San Carlo ai Catinari, con tutti gli annessi e dipendenze (Alleg. III, 3, 4 e 5), e da consegnarsi liberi da occupatori entro un anno dall'entrata in vigore del presente Trattato.

ART. 15.

Gli immobili indicati nell'art. 13 e negli alinea primo e secondo dell'art. 14, nonchè i palazzi della Dataria, della Cancelleria, di Propaganda Fide in Piazza di Spagna, il palazzo del Sant'Offizio ed adiacenze, quello dei Convertendi (ora Congregazione per la Chiesa Orientale) in piazza Scossacavalli, il palazzo del Vicariato (Alleg. II, 6, 7, 8, 10 e 11), e gli altri edifici nei quali la Santa Sede in avvenire crederà di sistemare altri suoi Dicasteri, benchè facenti parte del territorio dello Stato italiano, godranno delle immunità riconosciute dal diritto internazionale alle sedi degli agenti diplomatici di Stati esteri.

Le stesse immunità si applicano pure nei riguardi delle altre Chiese, anche fuori di Roma, durante il tempo in cui vengano nelle medesime, senza essere aperte al pubblico, celebrate funzioni coll'intervento del Sommo Pontefice.

zone belonging to the State or to any third parties. The properties belonging to the above-named Congregation and to other institutes as well as those which are to be transferred are indicated on the annexed plan.

Lastly, Italy transfers to the Holy See in full and free proprietary right the ex-convent buildings in the city of Rome annexed to the Basilica of the Twelve Apostles and to the churches of Sant' Andrea della Valle and San Carlo ai Catanari, together with all their annexes and dependencies. These are to be turned over free of all tenants within one year of the date the present Treaty goes into effect.

ART. 15.

The properties indicated in Art. 13 and in the first and second sections of Art. 14, together with the palaces of the Dataria, the Cancelleria, the Propagation of the Faith in the Piazza di Spagna, the palace of the Holy Office with its annexes, the palace of the Convertendi (at present occupied by the Congregation for the Oriental Church) in the Piazza Scossacavalli, the palace of the Vicariate and the other buildings in which the Holy See in the future may deem it necessary to establish other offices, although forming a part of the territory of the Italian State, shall enjoy the immunity guaranteed by international law to the embassies of foreign nations.

The same immunities shall apply with regard to other churches, even outside of Rome, during the time sacred functions are being celebrated in them at which the Sovereign Pontiff is present, even though at such times they are not open to the public.

Art. 16.

Gli immobili indicati nei tre articoli precedenti, nonchè quelli adibiti a sedi dei seguenti istituti pontifici: Università Gregoriana, Istituto Biblico, Orientale, Archeologico, Seminario Russo, Collegio Lombardo, i due palazzi di Sant'Apollinare e la Casa degli esercizi per il Clero di San Giovanni e Paolo (Alleg. III, 1, 1 *bis*, 2, 6, 7, 8), non saranno mai assoggettati a vincoli o ad espropriazioni per causa di pubblica utilità, se non previo accordo con la Santa Sede, e saranno esenti da tributi sia ordinari che straordinari tanto verso lo Stato quanto verso qualsiasi altro ente.

È in facoltà della Santa Sede di dare a tutti i suddetti immobili, indicati nel presente articolo e nei tre articoli precedenti, l'assetto che creda, senza bisogno di autorizzazioni o consensi da parte di autorità governative, provinciali o comunali italiane, le quali possono all'uopo fare sicuro assegnamento sulle nobili tradizioni artistiche che vanta la Chiesa Cattolica.

Art. 17.

Le retribuzioni, di qualsiasi natura, dovute dalla Santa Sede, dagli altri enti centrali della Chiesa Cattolica e dagli enti gestiti direttamente dalla Santa Sede anche fuori di Roma, a dignitari, impiegati e salariati, anche non stabili, saranno nel territorio italiano esenti, a decorrere dal 1° gennaio 1929, da qualsiasi tributo tanto verso lo Stato quanto verso ogni altro ente.

Art. 16.

The properties mentioned in the three preceding articles, as well as those used to house the following pontifical institutes: the Gregorian University, the Biblical Institute, the Oriental Institute, the Archeological Institute, the Russian Seminary, the Lombard College; the two palaces of St. Apollinaris and the House of Spiritual Retreat for the clergy at Sts. John and Paul will never be subjected to liens or to appropriation for the sake of public utility without a previous agreement with the Holy See; and they shall be exempt from all taxes, whether ordinary or extraordinary, whether levied by the State or by any other entity whatsoever.

The Holy See has the power to make whatever changes it sees fit in the properties mentioned in this article and also in the three preceding articles without the necessity of obtaining authorization or consent on the part of the Italian authorities, whether state, provincial or municipal. In this matter the authorities may confidently rely on the Church to follow the high artistic traditions of which She has always boasted.

Art. 17.

Contributions of whatever kind due to the Holy See from the other central organizations of the Catholic Church and from the organizations directly managed by the Holy See, even outside of Rome, as also those due to dignitaries, functionaries and employees, even when not fixed, beginning with the first of January, 1929, shall be exempt in Italian territory from any tax whatsoever on the part of the State or of any other entity.

ART. 18.

I tesori d'arte e di scienza esistenti nella Città del Vaticano e nel Palazzo Lateranense rimarranno visibili agli studiosi ed ai visitatori, pur essendo riservata alla Santa Sede piena libertà di regolare l'accesso del pubblico.

ART. 19.

I diplomatici e gli inviati della Santa Sede, i diplomatici e gli inviati dei Governi esteri presso la Santa Sede e i dignitari della Chiesa provenienti dall'estero diretti alla Città del Vaticano e muniti di passaporti degli Stati di provenienza, vistati dai rappresentanti pontifici all'estero, potranno senz'altra formalità accedere alla medesima attraverso il territorio italiano. Altrettanto dicasi per le suddette persone, le quali munite di regolare passaporto pontificio si recheranno dalla Città del Vaticano all'estero.

ART. 20.

Le merci provenienti dall'estero e dirette alla Città del Vaticano, o, fuori della medesima, ad istituzioni od uffici della Santa Sede, saranno sempre ammesse da qualunque punto del confine italiano ed in qualunque porto del Regno al transito per il territorio italiano con piena essenzione dai diritti doganali e daziari.

ART. 21.

Tutti i Cardinali godono in Italia degli onori dovuti ai Principi del sangue: quelli residenti in Roma, anche fuori della Città del Vaticano, sono a tutti gli effetti cittadini della medesima.

ART. 18.

The treasures of art and science which are to be found within the State of the Vatican, and in the Lateran Palace will remain accessible to scholars and visitors, but the Holy See is left entirely free to determine when and under what conditions these treasures shall be open to the public.

ART. 19.

Diplomatic representatives and envoys of the Holy See, diplomatic representatives and envoys of foreign nations to the Holy See, and Dignitaries of the Church coming from abroad directly to the State of the Vatican, if provided with passports issued by the countries from which they come and viséed by papal representatives abroad, may without any other formality proceed through Italian territory to the State of the Vatican. The same procedure will apply to these persons when, provided with a regular papal passport, they leave the State of the Vatican for abroad.

ART. 20.

Merchandise coming from abroad and consigned to the State of the Vatican, or to institutions or offices of the Holy See which are located outside thereof, shall always be admitted at any point on the Italian frontier or at any port of the Kingdom to pass through Italian territory with full exemption from custom duties and intercommunal taxes.

ART. 21.

All Cardinals are entitled in Italy to such honors as are due Princes of the blood. Those resident in Rome, including those living outside the State of the Vatican, are to all intents and purposes citizens thereof.

Durante la vacanza della Sede Pontificia, l'Italia provvede in modo speciale a che non sia ostacolato il libero transito ed accesso dei Cardinali attraverso il territorio italiano al Vaticano, e che non si ponga impedimento o limitazione alla libertà personale dei medesimi.

Cura, inoltre, l'Italia che nel suo territorio all'intorno della Città del Vaticano non vengano commessi atti, che comunque possano turbare le adunanze del Conclave.

Le dette norme valgono anche per i Conclavi che si tenessero fuori della Città del Vaticano, nonchè per i Concilii presieduti dal Sommo Pontefice o dai suoi Legati e nei riguardi dei Vescovi chiamati a parteciparvi.

During a vacancy in the Papal See, Italy will take special care that there shall be no obstacle to the free access of Cardinals to the Vatican or to their passage through Italian territory and that there shall be no hindrance to or interference with their personal liberty.

Italy will also take precautions that no disturbances shall occur on Italian territory in the neighborhood of the Vatican that might interfere with the sessions of the conclave.

These provisions shall apply also to conclaves which may be held outside of the State of the Vatican and to councils presided over by the Sovereign Pontiff or his legates, and include in their purview the bishops summoned to take part in the council.

Art. 22.

A richiesta della Santa Sede e per delegazione che potrà essere data dalla medesima o nei singoli casi o in modo permanente, l'Italia provvederà nel suo territorio alla punizione dei delitti che venissero commessi nella Città del Vaticano, salvo quando l'autore del delitto si sia rifugiato nel territorio italiano, nel qual caso si procederà senz'altro contro di lui a norma delle leggi italiane.

La Santa Sede consegnerà allo Stato italiano le persone, che si fossero rifugiate nella Città del Vaticano, imputate di atti, commessi nel territorio italiano, che siano ritenuti delittuosi dalle leggi di ambedue gli Stati.

Analogamente si provvederà per le persone imputate di delitti, che si fossero rifugiate negli immobili dichiarati immuni nell'art. 15, a meno che i preposti

Art. 22.

At the request of the Holy See and on delegation of power, which may be given by the Holy See either in single cases or permanently, Italy will provide within her own territory for the punishment of crimes committed within the State of the Vatican. When, however, an individual who has committed a crime therein takes refuge in Italian territory, he shall be dealt with forthwith according to the provisions of Italian law.

The Holy See will hand over to the Italian State individuals who have fled within the State of the Vatican charged with acts committed in Italian territory which are considered criminal by the laws of both States.

A like procedure will be followed in the case of individuals charged with crime who may have fled to one or other of the properties declared immune in

ai detti immobili preferiscano invitare gli agenti italiani ad entrarvi per arrestarle.

Art. 23.

Per l'esecuzione nel Regno delle sentenze emanate dai tribunali della Città del Vaticano si applicheranno le norme del diritto internazionale.

Avranno invece senz'altro piena efficacia giuridica, anche a tutti gli effetti civili, in Italia le sentenze ed i provvedimenti emanati da autorità ecclesiastiche ed ufficialmente comunicati alle autorità civili, circa persone ecclesiastiche o religiose e concernenti materie spirituali o disciplinari.

Art. 24.

La Santa Sede, in relazione alla sovranità che le compete anche nel campo internazionale, dichiara che Essa vuole rimanere e rimarrà estranea alle competizioni temporali fra gli altri Stati ed ai Congressi internazionali indetti per tale oggetto, a meno che le parti contendenti facciano concorde appello alla sua missione di pace, riservandosi in ogni caso di far valere la sua potestà morale e spirituale.

In conseguenza di ciò la Città del Vaticano sarà sempre ed in ogni caso considerata territorio neutrale ed inviolabile.

Art. 25.

Con speciale convenzione sottoscritta unitamente al presente Trattato, la quale costituisce l'allegato IV al medesimo e ne forma parte integrante, si provvede alla

Art. 15 unless those in charge of such property prefer to ask the Italian police to enter and make the arrest.

Art. 23.

For the execution within the Kingdom of Italy of sentences pronounced by tribunals of the State of the Vatican the principles of international law will be applied.

On the other hand, sentences and decisions pronounced by ecclesiastical authorities, which have to do with ecclesiastical or religious persons in spiritual or disciplinary matters, and which are officially communicated to the civil authorities, will have full juridical efficacy immediately in Italy even so far as the civil effects are concerned.

Art. 24.

With regard to the sovereignty pertaining to it in the field of international relations, the Holy See declares that it wishes to remain and will remain extraneous to all temporal disputes between nations, and to international congresses convoked for the settlement of such disputes, unless the contending parties make a joint appeal to its mission of peace; nevertheless, it reserves the right in every case to exercise its moral and spiritual power.

In consequence of this declaration, the State of the Vatican will always and in every case be considered neutral and inviolable territory.

Art. 25.

By special convention, signed jointly with the present Treaty and constituting the fourth appendix to the same, and forming an integral part thereof, pro-

liquidazione dei crediti della Santa Sede verso l'Italia.

ART. 26.

La Santa Sede ritiene che con gli accordi, i quali sono oggi sottoscritti, Le viene assicurato adeguatamente quanto Le occorre per provvedere con la dovuta libertà ed indipendenza al governo pastorale della Diocesi di Roma e della Chiesa Cattolica in Italia e nel mondo; dichiara definitivamente ed irrevocabilmente composta e quindi eliminata la « Questione Romana » e riconosce il Regno d'Italia sotto la dinastia di Casa Savoia con Roma capitale dello Stato italiano.

Alla sua volta l'Italia riconosce lo Stato della Città del Vaticano sotto la sovranità del Sommo Pontefice.

È abrogata la legge 13 maggio 1871 n. 214 e qualunque altra disposizione contraria al presente Trattato.

ART. 27.

Il presente Trattato, non oltre quattro mesi dalla firma, sarà sottoposto alla ratifica del Sommo Pontefice e del Re d'Italia ed entrerà in vigore all'atto stesso dello scambio delle ratifiche.

Roma, undici febbraio millenovecentoventinove.

PIETRO CARDINALE GASPARRI.
L. ✠ S.

BENITO MUSSOLINI.
L. ✠ S.

visions are made for the liquidation of the financial claims of the Holy See against Italy.

ART. 26.

The Holy See maintains that with the agreements signed today adequate assurance is guaranteed as far as is necessary for the said Holy See to provide, with due liberty and independence, for the pastoral regime of the Diocese of Rome and of the Catholic Church in Italy and in the world. The Holy See declares the "Roman Question" definitively and irrevocably settled and, therefore, eliminated; and recognizes the Kingdom of Italy under the dynasty of the House of Savoy with Rome as the Capital of the Italian State.

Italy, in turn, recognizes the State of the Vatican under the sovereignty of the Supreme Pontiff.

The Law of May 13, 1871, No. 214, is abrogated, as well as any other decree or decision contrary to the present Treaty.

ART. 27.

The present Treaty will be submitted to the Sovereign Pontiff and to the King of Italy for ratification within four months from the date of signing and will become effective immediately on the exchange of ratifications.

Rome, February 11, 1929.

Signed:
PIETRO CARDINALE GASPARRI.

Signed:
BENITO MUSSOLINI.

Official Text and Translation of the Financial Agreement Between the Holy See and Italy

OFFICIAL TEXT AND TRANSLATION OF THE FINANCIAL AGREEMENT BETWEEN THE HOLY SEE AND ITALY

IN NOME DELLA SANTISSIMA TRINITÀ:

Si premette:

CHE la Santa Sede e l'Italia, a seguito della stipulazione del Trattato, col quale è stata definitivamente composta la «Questione Romana», hanno ritenuto necessario regolare con una convenzione distinta, ma formante parte integrante del medesimo, i loro rapporti finanziari;

Che il Sommo Pontefice, considerando da un lato i danni ingenti subìti dalla Sede Apostolica per la perdita del patrimonio di San Pietro, costituito dagli antichi Stati Pontifici, e dei beni degli enti ecclesiastici, e dall'altro i bisogni sempre crescenti della Chiesa pur soltanto nella Città di Roma, e tuttavia avendo anche presente la situazione finanziaria dello Stato e le condizioni economiche del popolo italiano specialmente dopo la guerra, ha ritenuto di limitare allo stretto necessario la richiesta di indennizzo, domandando una somma, parte in contanti e parte in consolidato, la quale è in valore di molto inferiore a quella che a tutt'oggi lo Stato avrebbe dovuto sborsare alla S.

IN THE NAME OF THE MOST HOLY TRINITY:

WHEREAS, the Holy See and Italy, after making a Treaty by which the "Roman Question" has been definitively settled, have considered it necessary to establish a special convention, which shall be distinct from, though forming an integral part of, the abovementioned Treaty, and by which their financial relations shall be regulated; and

Whereas, the Sovereign Pontiff, considering on the one hand the great damage suffered by the Apostolic See through the loss of the Patrimony of St. Peter, which was established by the old Papal States, and of the properties of the ecclesiastical organizations, and, on the other hand, the ever growing needs of the Church, even in the City of Rome, yet knowing very well the present financial condition of the State and the economic status of the Italian people, especially after the war, has deemed it advisable to restrict his demand for indemnity to what is absolutely necessary, asking a sum, partly in cash and partly in securities, which is actually much less than what the State

Sede medesima anche solo in esecuzione dell'impegno assunto con la legge 13 maggio 1871;

Che lo Stato italiano, apprezzando i paterni sentimenti del Sommo Pontefice, ha creduto doveroso aderire alla richiesta del pagamento di detta somma;

Le due Alte Parti, rappresentate dai medesimi Plenipotenziari, hanno convenuto:

ART. 1.

L'Italia si obbliga a versare, allo scambio delle ratifiche del Trattato, alla Santa Sede la somma di lire italiane 750.000.000 (settecento cinquanta milioni) ed a consegnare contemporaneamente alla medesima tanto Consolidato italiano 5 % al portatore (col cupone scadente al 30 giugno p. v.) del valore nominale di lire italiane 1.000.000.000 (un miliardo).

ART. 2.

La Santa Sede dichiara di accettare quanto sopra a definitiva sistemazione dei suoi rapporti finanziari con l'Italia in dipendenza degli avvenimenti del 1870.

ART. 3.

Tutti gli atti da compiere per l'esecuzione del Trattato, della presente Convenzione e del Concordato, saranno esenti da ogni tributo.

Roma, undici febbraio millenovecentoventinove.

PIETRO CARDINALE GASPARRI.
L. ✠ S.

BENITO MUSSOLINI.
L. ✠ S.

would have to pay to the Holy See today if it were merely carrying out the obligation assumed by the law of May 13, 1871; and

WHEREAS the Italian State, appreciating the paternal sentiments of the Sovereign Pontiff, has considered it its duty to accede to the request for the payment of said sum;

The two High Contracting Parties, represented by the same Plenipotentiaries, have agreed:

ART. 1.

Italy assumes the obligation of paying to the Holy See the sum of 750,000,000 (seven hundred and fifty million) Italian lire upon the exchange of the ratifications of the Treaty and to deliver at the same time to the Holy See five per cent negotiable Italian State bonds (with coupon falling due on June 30, next) to the nominal value of 1,000,000,000 (one billion) Italian lire.

ART. 2.

The Holy See declares that it accepts the above as a final settlement of its financial relations with Italy resulting from the events of 1870.

ART. 3.

All the documents to be executed for the carrying-out of the Treaty, of this Financial Convention, and of the Concordat shall be exempt from all taxes.

Rome, February 11, 1929.

Signed:
PIETRO CARDINALE GASPARRI.

Signed:
BENITO MUSSOLINI.

Official Text and Translation of the Concordat Between the Holy See and Italy

THE SIGNING OF THE TREATY

Left to Right: Right Rev. Giuseppe Pizzardo, Right Rev. Francesco Borgongini Duca, His Eminence Cardinal Pietro Gasparri, Hon. Francesco Pacelli, His Excellency Benito Mussolini, Hon. Dino Grandi.

OFFICIAL TEXT AND TRANSLATION OF THE CONCORDAT BETWEEN THE HOLY SEE AND ITALY

IN NOME DELLA SANTISSIMA TRINITÀ:

Premesso:

CHE fin dall'inizio delle trattative tra la Santa Sede e l'Italia per risolvere la «Questione Romana» la Santa Sede stessa ha proposto che il Trattato relativo a detta questione fosse accompagnato, per necessario complemento, da un Concordato, inteso a regolare le condizioni della Religione e della Chiesa in Italia;

Che è stato conchiuso e firmato oggi stesso il Trattato per la soluzione della «Questione Romana» ;

Sua Santità il Sommo Pontefice Pio XI e Sua Maestà Vittorio Emanuele III, Re d'Italia, hanno risoluto di fare un Concordato, ed all'uopo hanno nominato gli stessi Plenipotenziarii, delegati per la stipulazione del Trattato, cioè per parte di Sua Santità, Sua Eminenza Reverendissima il Signor Cardinale Pietro Gasparri, Suo Segretario di Stato, e per parte di Sua Maestà, Sua Eccellenza il Signor Cavaliere Benito Mussolini, Primo Mini-

IN THE NAME OF THE MOST HOLY TRINITY:

WHEREAS, from the very beginning of the negotiations between the Holy See and Italy for the settlement of the "Roman Question," the Holy See itself proposed that the Treaty dealing with this question should be accompanied by a Concordat planned to regulate the status of Religion and of the Church in Italy, which Concordat should form a necessary complement of the Treaty; and

WHEREAS, the Treaty for the settlement of the "Roman Question" has been concluded and signed today;

His Holiness, the Sovereign Pontiff, Pius XI, and His Majesty, Victor Emmanuel III, King of Italy, have agreed to make a Concordat and for this purpose have appointed the same Plenipotentiaries as were named for the drawing up of the Treaty, namely, for His Holiness, His Eminence, Cardinal Pietro Gasparri, His Secretary of State, and for His Majesty, His Excellency, Signor Cavaliere Mussolini, Prime Minister and Head of

stro e Capo del Governo, i quali, scambiati i loro Pieni Poteri e trovatili in buona e dovuta forma, hanno convenuto negli Articoli seguenti:

Art. 1.

L'Italia, ai sensi dell'art. 1 del Trattato, assicura alla Chiesa Cattolica il libero esercizio del potere spirituale, il libero e pubblico esercizio del culto, nonchè della sua giurisdizione in materia ecclesiastica in conformità alle norme del presente Concordato; ove occorra, accorda agli ecclesiastici per gli atti del loro ministero spirituale la difesa da parte delle sue autorità.

In considerazione del carattere sacro della Città Eterna, sede vescovile del Sommo Pontefice, centro del mondo cattolico e mèta di pellegrinaggi, il Governo italiano avrà cura di impedire in Roma tutto ciò che possa essere in contrasto col detto carattere.

Art. 2.

La Santa Sede comunica e corrisponde liberamente con i Vescovi, col clero e con tutto il mondo cattolico senza alcuna ingerenza del Governo italiano.

Parimenti, per tutto quanto si riferisce al ministero pastorale, i Vescovi comunicano e corrispondono liberamente col loro clero e con tutti i fedeli.

Tanto la Santa Sede quanto i Vescovi possono pubblicare liberamente ed anche affiggere nell'interno ed alle porte esterne degli edifici destinati al culto o ad uffici del loro ministero le istruzioni, ordinanze, lettere pastorali, bollettini diocesani ed

the Government. These Plenipotentiaries, having exchanged their respective credentials, which were found to be duly and properly executed, have agreed to the following articles:

Art. 1.

Italy, according to the terms of Art. 1 of the Treaty, guarantees to the Catholic Church free exercise of spiritual power, free and public exercise of worship, as well as jurisdiction in ecclesiastical matters, in conformity with the provisions of the present Concordat; and, where it shall be necessary for the carrying-out of their spiritual ministry, grants to ecclesiastics protection on the part of its authorities.

In consideration of the sacred character of the Eternal City, episcopal see of the Sovereign Pontiff, center of the Catholic world, and goal of pilgrimages, the Italian Government will take precautions to prevent the occurrence in Rome of everything that might be contrary to this sacred character.

Art. 2.

The Holy See may communicate and correspond freely with the Bishops, the clergy and the whole Catholic world, without any interference on the part of the Italian Government.

Bishops, likewise, in everything that concerns their pastoral office, may communicate and correspond freely with their clergy and with all the Faithful.

Both the Holy See and the Bishops may freely publish and post either within, or on the external portals of, buildings that are set aside for worship and offices used for the business of their ministry such instructions, ordinances, pastoral letters,

altri atti riguardanti il governo spirituale dei fedeli, che crederanno di emanare nell'ambito della loro competenza. Tali pubblicazioni ed affissioni ed in genere tutti gli atti e documenti relativi al governo spirituale dei fedeli non sono soggetti ad oneri fiscali.

Le dette pubblicazioni per quanto riguarda la Santa Sede possono essere fatte in qualunque lingua, quelle dei Vescovi sono fatte in lingua italiana o latina; ma, accanto al testo italiano, l'autorità ecclesiastica può aggiungere la traduzione in altre lingue.

Le autorità ecclesiastiche possono senza alcuna ingerenza delle autorità civili eseguire collette nell'interno ed all'ingresso delle chiese nonchè negli edifici di loro proprietà.

ART. 3.

Gli studenti di teologia, quelli degli ultimi due anni di propedeutica alla teologia avviati al sacerdozio ed i novizi degli istituti religiosi possono, a loro richiesta, rinviare, di anno in anno, fino al ventesimosesto anno di età l'adempimento degli obblighi del servizio militare.

I chierici ordinati *in sacris* ed i religiosi, che hanno emesso i voti, sono esenti dal servizio militare, salvo il caso di mobilitazione generale. In tale caso, i sacerdoti passano nelle forze armate dello Stato, ma è loro conservato l'abito ecclesiastico, affinchè esercitino fra le truppe il sacro ministero sotto la giurisdizione ecclesiastica dell'Ordinario militare ai sensi dell'art. 14. Gli altri chierici o religiosi sono di preferenza destinati ai

diocesan bulletins and other notices concerning the spiritual direction of the Faithful as they may see fit to issue within the province of their competency. Such publications and notices and, in general, all decrees and documents dealwith the spiritual direction of the Faithful are exempt from revenue tax.

So far as the Holy See is concerned, the above-mentioned publications may be issued in any language. Those emanating from the Bishops are to be printed in Italian or Latin; but together with the Italian text the ecclesiastical authorities may add a translation in other languages.

The ecclesiastical authorities may, without any interference on the part of the civil authorities, take up collections both within the churches and at the portals of the same, as well as in the buildings which belong to them.

ART. 3.

Students in theology, those preparing for the priesthood who are in the last two years of study preliminary to theology, and novices in religious institutes may, on their own request, put off from year to year, up to the age of twenty-six, the fulfillment of the obligations of military service.

Ordained clerics (*in sacris*) and religious who have taken their vows are exempt from military service except in case of general mobilization. In such a case the priests join the armed forces of the State but retain their clerical garb in order that they may exercise their sacred ministry among the troops under the ecclesiastical jurisdiction of the Military Ordinary according to the provisions of Art. 14. The other clerics or religious will

servizi sanitari.

Tuttavia, anche se siasi disposta la mobilitazione generale, sono dispensati dal presentarsi alla chiamata i sacerdoti con cura di anime. Si considerano tali gli Ordinari, i parroci, i vice parroci o coadiutori, i vicari ed i sacerdoti stabilmente preposti a rettorie di chiese aperte al culto.

ART. 4.

Gli ecclesiastici ed i religiosi sono esenti dall'ufficio di giurato.

ART. 5.

Nessun ecclesiastico può essere assunto o rimanere in un impiego od ufficio dello Stato italiano o di enti pubblici dipendenti dal medesimo senza il nulla osta dell'Ordinario diocesano.

La revoca del nulla osta priva l'ecclesiastico della capacità di continuare ad esercitare l'impiego o l'ufficio assunto.

In ogni caso i sacerdoti apostati o irretiti da censura non potranno essere assunti nè conservati in un insegnamento, in un ufficio od in un impiego, nei quali siano a contatto immediato col pubblico.

ART. 6.

Gli stipendi e gli altri assegni, di cui godono gli ecclesiastici in ragione del loro ufficio, sono esenti da pignorabilità nella stessa misura in cui lo sono gli stipendi e gli assegni degl'impiegati dello Stato.

ART. 7.

Gli ecclesiastici non possono essere richiesti da magistrati o da altra autorità a dare informazioni su persone o materie

be assigned preferably to the sanitary branch of the service.

However, even when general mobilization is ordered, priests who are entrusted with the care of souls are exempt from the obligation of answering to the call. Bishops, parish priests, assistant parish priests or coadjutors, vicars and permanent rectors of churches which are open to public worship are included in this category.

ART. 4.

Ecclesiastics and religious are exempt from jury duty.

ART. 5.

No ecclesiastic may be employed or remain in the employment or service of the Italian State or of any of the public departments subordinate to the same without the express permission of his diocesan Bishop.

The revocation of this permission deprives the ecclesiastic of power to continue exercising the duty or office assumed.

In any case apostate priests or those who have incurred censure cannot be employed or retained in a teaching post, or in an office or an employment in which they are brought into immediate contact with the public.

ART. 6.

Stipends and other emoluments enjoyed by ecclesiastics by reason of their office are exempt from charges and liens in the same way as the stipends and salaries of the employees of the State.

ART. 7.

Ecclesiastics may not be requested by magistrates or other authorities to give information regarding persons or matters

di cui siano venuti a conoscenza per ragione del sacro ministero.

ART. 8.

Nel caso di deferimento al magistrato penale di un ecclesiastico o di un religioso per delitto, il Procuratore del Re deve informarne immediatamente l'Ordinario della diocesi, nel cui territorio egli esercita giurisdizione; e deve sollecitamente transmettere di ufficio al medesimo la decisione istruttoria e, ove abbia luogo, la sentenza terminativa del giudizio tanto in primo grado quanto in appello.

In caso di arresto, l'ecclesiastico o il religioso è trattato col riguardo dovuto al suo stato ed al suo grado gerarchico.

Nel caso di condanna di un ecclesiastico o di un religioso, la pena è scontata possibilmente in locali separati da quelli destinati ai laici, a meno che l'Ordinario competente non abbia ridotto il condannato allo stato laicale.-

ART. 9.

Di regola, gli edifici aperti al culto sono esenti da requisizioni od occupazioni.

Occorrendo per gravi necessità pubbliche occupare un edificio aperto al culto, l'autorità che procede all'occupazione deve prendere previamente accordi con l'Ordinario, a meno che ragioni di assoluta urgenza a ciò si oppongano. In tale ipotesi, l'autorità procedente deve informare immediatamente il medesimo.

Salvo i casi di urgente necessità, la forza pubblica non può entrare, per l'esercizio delle sue funzioni, negli edifici

which may have come to their knowledge through the exercise of their sacred ministry.

ART. 8.

When it happens that an ecclesiastic or a religious is brought before a penal magistrate because of some crime, the State's Attorney must immediately inform the Ordinary of the diocese in whose territory he exercises jurisdiction and he must take pains to transmit officially to him the preliminary decision in the case and, if issued, the final sentence both of the court of first instance and of the court of appeal.

In case of arrest, the ecclesiastic or religious is to be treated with the respect due to his calling and to his clerical status.

In case an ecclesiastic or religious is convicted, he is to serve his sentence, if possible, in quarters separate from those intended for laymen unless the Ordinary to whose jurisdiction he belongs has unfrocked the offender.

ART. 9.

As a general rule, buildings open for worship are exempt from confiscation or occupation.

When for grave public cause it becomes necessary to occupy a building used for worship, the officials who are about to proceed with the occupation must first make arrangements with the Ordinary unless there are reasons of absolute urgency which prevent their doing so. In such cases the officials occupying the building will at the earliest possible moment notify the Ordinary.

Except in cases of urgent necessity, the police cannot in the exercise of their duties enter buildings used for worship

aperti al culto, senza averne dato previo avviso all'autorità ecclesiastica.

ART. 10.

Non si potrà per qualsiasi causa procedere alla demolizione di edifizi aperti al culto, se non previo accordo colla competente autorità ecclesiastica.

ART. 11.

Lo Stato riconosce i giorni festivi stabiliti dalla Chiesa, che sonno i seguenti:

Tutte le domeniche;
Il primo giorno dell'anno;
Il giorno dell'Epifania (6 gennaio);
Il giorno della festa di S. Giuseppe (19 marzo);
Il giorno dell'Ascensione;
Il giorno del Corpus Domini;
Il giorno della festa dei Ss. Apostoli Pietro e Paolo (29 giugno);
Il giorno dell'Assunzione della B. V. Maria (15 agosto);
Il giorno di Ognissanti (1° novembre);
Il giorno della festa dell'Immacolata Concezione (8 dicembre);
Il giorno di Natale (25 dicembre).

ART. 12.

Nelle domeniche e nelle feste di precetto, nelle chiese in cui officia un Capitolo, il celebrante la Messa Conventuale canterà, secondo le norme della sacra liturgia, una preghiera per la prosperità del Re d'Italia e dello Stato italiano.

ART. 13.

Il Governo italiano comunica alla Santa Sede la tabella organica del personale ecclesiastico di ruolo adibito al servizio dell'assistenza spirituale presso le forze militari dello Stato appena essa sia stata approvata nei modi di legge.

without having given previous notice to the proper ecclesiastical authority.

ART. 10.

For no cause whatsoever is it permitted to undertake the demolition of buildings used for worship without previous agreement with the proper ecclesiastical authority.

ART. 11.

The State recognizes the holy days established by the Church, which are the following:

All Sundays;
New Year's Day;
The Feast of the Epiphany (Jan. 6);
The Feast of St. Joseph (Mar. 19);
Ascension Thursday;
The Feast of Corpus Christi;
The Feast of Sts. Peter and Paul (June 29);
The Feast of the Assumption of the Blessed Virgin Mary (Aug. 15);
All Saints' Day (Nov. 1);
The Feast of the Immaculate Conception (Dec. 8); and
Christmas Day.

ART. 12.

On Sundays and holy days of obligation, in churches having a canonical chapter, the celebrant of the Conventual Mass will sing, according to the regulations of the sacred liturgy, a prayer for the prosperity of the King of Italy and the Italian State.

ART. 13.

The Italian Government will transmit to the Holy See a complete list of the ecclesiastical personnel regularly attached to the service of spiritual ministry to the military forces of the State as soon as it is approved according to law.

La designazione degli ecclesiastici, cui è commessa l'alta direzione del servizio di assitenza spirituale (Ordinario militare, vicario ed ispettori), è fatta confidenzialmente dalla Santa Sede al Governo italiano. Qualora il Governo italiano abbia ragioni da opporre alla fatta designazione, ne darà comunicazione alla Santa Sede, la quale procederà ad altra designazione.

L'Ordinario militare sarà rivestito della dignità arcivescovile.

La nomina dei capellani militari è fatta dalla competente autorità dello Stato italiano su designazione dell'Ordinario militare.

ART. 14.

Le truppe italiane di aria, di terra e di mare godono, nei riguardi dei doveri religiosi, dei privilegi e delle esenzioni consentite dal diritto canonico.

I cappellani militari hanno, riguardo alle dette truppe, competenze parrocchiali. Essi esercitano il sacro ministero sotto la giurisdizione dell'Ordinario militare, assistito dalla propria Curia.

L'Ordinario militare ha giurisdizione anche sul personale religioso, maschile e femminile, addetto agli ospedali militari.

ART. 15.

L'Arcivescovo ordinario militare è preposto al Capitolo della chiesa del Pantheon in Roma, costituendo con esso il clero, cui è affidato il servizio religioso di detta Basilica.

The nomination of the ecclesiastics who are entrusted with the supreme direction of the service of spiritual ministry (Military Ordinary, vicar and inspectors) is to be transmitted confidentially by the Holy See to the Italian Government. Whenever the Italian Government has any reason for opposing the selection it will communicate the same to the Holy See which will then proceed to make another selection.

The Military Ordinary will be invested with the rank of Archbishop.

The nomination of military chaplains is made by the competent authority of the Italian State on the recommendation of the Military Ordinary.

ART. 14.

The Italian troops in all branches of the service, air, land and water, enjoy in the matter of religious duties, all the privileges and exemptions granted by the Canon Law.

So far as these troops are concerned, the military chaplains hold the same relation to them that parish priests hold toward their parishioners. They exercise their sacred ministry under the jurisdiction of the Military Ordinary who is assisted by his own curia.

The Military Ordinary also has jurisdiction over the religious personnel, male and female, attached to the military hospitals.

ART. 15.

The Archbishop who is the Military Ordinary is Head of the Chapter of the Church of the Pantheon in Rome and together they constitute the clergy to which religious services of this Basilica

Tale clero è autorizzato a provvedere a tutte le funzioni religiose, anche fuori di Roma, che in conformità alle regole canoniche siano richieste dallo Stato o dalla Reale Casa.

La Santa Sede consente a conferire a tutti i canonici componenti il capitolo del Pantheon la dignità di protonotari *ad instar, durante munere.* La nomina di ciascuno di essi sarà fatta dal Cardinale Vicario di Roma dietro presentazione da parte di Sua Maestà il Re d'Italia, previa confidenziale indicazione del presentando.

La S. Sede si riserva di trasferire ad altra chiesa la Diaconia.

ART. 16.

Le Alte Parti contraenti procederanno d'accordo, a mezzo di commissioni miste, ad una revisione della circoscrizione delle diocesi, allo scopo di renderla possibilmente rispondente a quella delle provincie dello Stato.

Resta inteso che la Santa Sede erigerà la diocesi di Zara; che nessuna parte del territorio soggetto alla sovranità del Regno d'Italia dipenderà da un Vescovo, la cui sede si trovi in territorio soggetto alla sovranità di altro Stato; e che nessuna diocesi del Regno comprenderà zone di territorio soggette alla sovranità di altro Stato.

Lo stesso principio sarà osservato per tutte le parrocchie esistenti o da costituirsi in territori vicini ai confini dello Stato.

Le modificazioni, che dopo l'assetto

are entrusted. This body of clergy is authorized to provide for all religious functions, even outside of Rome, which are requested by the State or by the Royal Family in conformity with canonical regulations.

The Holy See is pleased to confer on all the canons belonging to the Chapter of the Pantheon the dignity of Prothonotaries *ad instar* during their term of tenure. The nomination of each of these canons will be made by the Cardinal Vicar upon presentation by His Majesty, the King of Italy, following a confidential naming of the person to be presented.

The Holy See reserves the right to transfer the Cardinalitial Title to another church.

ART. 16.

The High Contracting Parties will proceed amicably, employing commissions selected by both, to a revision of the diocesan lines in order to make them correspond as far as possible with the divisions of the provinces of the State.

It is understood that the Holy See will establish the Diocese of Zara; that no part of the territory subject to the sovereignty of the Kingdom of Italy will be in the jurisdiction of a bishop whose see is situated in territory subject to the sovereignty of another state; and that no diocese of the Kingdom will include any parcels of territory subject to the sovereignty of another state.

The same rule will be observed with regard to all parishes either now existing or later to be established in places near the frontiers of the State.

Changes in diocesan lines which, in ac-

innanzi accennato si dovessero in avvenire arrecare alle circoscrizioni delle diocesi, saranno disposte dalla Santa Sede previi accordi col Governo italiano ed in osservanza delle direttive su espresse, salvo le piccole rettifiche di territorio richieste dal bene delle anime.

Art. 17.

La riduzione delle diocesi che risulterà dall'applicazione dell'articolo precedente, sarà attuata via via che le diocesi medesime si renderanno vacanti.

Resta inteso che la riduzione non importerà soppressione dei titoli delle diocesi nè dei capitoli, che saranno conservati, pur raggruppandosi le diocesi in modo che i capoluoghi delle medesime corrispondano a quelli delle provincie.

Le riduzioni suddette lasceranno salve tutte le attuali risorse economiche delle diocesi e degli altri enti ecclesiastici esistenti nelle medesime, compresi gli assegni ora corrisposti dallo Stato italiano.

Art. 18.

Dovendosi, per disposizione dell'autorità ecclesiastica, raggruppare in via provvisoria o definitiva più parrocchie, sia affidandole ad un solo parroco assistito da uno o più vice-parroci, sia riunendo in un solo presbiterio più sacerdoti, lo Stato manterrà inalterato il trattamento economico dovuto a dette parrocchie.

Art. 19.

La scelta degli Arcivescovi e Vescovi appartiene alla Santa Sede.

cordance with the above arrangement, may in the future have to be made, will be settled by the Holy See after coming to an agreement with the Italian Government or in accordance with the regulations laid down above, except such slight territorial adjustments as are conducive to the welfare of souls.

Art. 17.

The reduction in the number of dioceses which will result from the application of the preceding article will be brought about gradually as the dioceses become vacant.

It is understood that the reduction in the number of dioceses will not entail the suppression of the titles of the dioceses or of the chapters, which will still be preserved, since the dioceses will be redistributed in such a way that the sees of the same will correspond with the principal towns of the provinces.

The aforesaid changes will leave intact all of the present economic resources of the dioceses and of the other ecclesiastical organizations existing within the same, including the funds now assigned to them by the Italian State.

Art. 18.

When it is necessary according to the provisions of the ecclesiastical authority to combine several parishes, whether temporarily or permanently, either by assigning them to a single parish priest, assisted by one or more curates, or by housing several priests in one rectory, the State will maintain unchanged the economic subsidy due to these parishes.

Art. 19.

The selection of Archbishops and Bishops pertains to the Holy See. Before

Prima di procedere alla nomina di un Arcivescovo o di un Vescovo diocesano o di un coadiutore *cum iure successionis*, la Santa Sede comunicherà il nome della persona prescelta al Governo italiano per assicurarsi che il medesimo non abbia ragioni di carattere politico da sollevare contro la nomina.

Le pratiche relative si svolgeranno con la maggiore possibile sollecitudine e con ogni riservatezza, in modo che sia mantenuto il segreto sulla persona prescelta, finchè non avvenga la nomina della medesima.

ART. 20.

I Vescovi, prima di prendere possesso della loro diocesi, prestano nelle mani del Capo dello Stato un giuramento di fedeltà secondo la formola seguente:

« Davanti a Dio e sui Santi Vangeli, io « giuro e prometto, siccome si conviene « ad un Vescovo, fedeltà allo Stato itali- « ano. Io giuro e prometto di rispettare « e di far rispettare dal mio clero il Re « ed il Governo stabilito secondo le leggi « costituzionali dello Stato. Io giuro e « prometto inoltre che non parteciperò « ad alcun accordo nè assisterò ad alcun « consiglio che possa recar danno allo « Stato italiano ed all'ordine pubblico e « che non permetterò al mio clero simili « partecipazioni. Preoccupandomi del « bene e dell'interesse dello Stato italiano, « cercherò di evitare ogni danno che « possa minacciarlo » .

ART. 21.

La provvista dei benefici ecclesiastici appartiene alla autorità ecclesiastica.

Le nomine degl'investiti dei benefici parrocchiali sono dall'autorità ecclesiastica competente comunicate riservata-

proceeding to the nomination of an Archbishop, a Bishop, or a Coadjutor with the right of succession, the Holy See will communicate the name of the person chosen to the Italian Government in order to be sure that the latter has no objection from a political standpoint against the nomination.

The formalities required will be carried out with all possible care and with every precaution so that secrecy may be maintained with regard to the person selected until his nomination is formally announced.

ART. 20.

Bishops before taking possession of their dioceses shall take an oath of loyalty at the hands of the Head of the State according to the following formula:

"Before God on the Holy Gospels, I swear and promise, as becomes a Bishop, loyalty to the Italian State. I swear and promise to respect, and to make my clergy respect, the King and the Government established according to the constitutional laws of the State. I swear and promise, moreover, that I shall not participate in any agreement or take part in any discussion that might be injurious to the Italian State or detrimental to public order and that I shall not permit my clergy to take part in such. Being mindful of the welfare and of the interests of the Italian State, I shall endeavor to ward off any danger that may threaten it."

ART. 21.

The awarding of ecclesiastical benefices pertains to ecclesiastical authority.

The competent ecclesiastical authority will communicate confidentially to the Italian Government the names of those

mente al Governo italiano e non possono avere corso prima che siano passati trenta giorni dalla comunicazione.

In questo termine, il Governo italiano, ove gravi ragioni si oppongano alla nomina, può manifestarle riservatamente all'autorità ecclesiastica, la quale, permanendo il dissenso, deferirà il caso alla Santa Sede.

Sopraggiungendo gravi ragioni che rendano dannosa la permanenza di un ecclesiastico in un determinato beneficio parrocchiale, il Governo italiano comunicherà tali ragioni all'Ordinario, che d'accordo col Governo prenderà entro tre mesi le misure appropriate. In caso di divergenza tra l'Ordinario ed il Governo, la Santa Sede affiderà la soluzione della questione a due ecclesiastici di sua scelta, i quali d'accordo con due delegati del Governo italiano prenderanno una decisione definitiva.

ART. 22.

Non possono essere investiti di benefici esistenti in Italia ecclesiastici che non siano cittadini italiani. I titolari delle diocesi e delle parrocchie devono inoltre parlare la lingua italiana. Occorrendo, dovranno essere loro assegnati coadiutori che, oltre l'italiano, intendano e parlino anche la lingua localmente in uso, allo scopo di prestare l'assistenza religiosa nella lingua dei fedeli secondo le regole della Chiesa.

ART. 23.

Le disposizioni degli articoli 16, 17, 19,

who are to be invested with parochial benefices, and the investiture can have no effect until after thirty days from the date of the said communication.

During this period, the Italian Government, if grave reasons against the appointment exist, may make these reasons confidentially known to ecclesiastical authority, and this authority, if no agreement can be reached, shall refer the case to the Holy See.

Wherever serious reasons arise which might render undesirable the continuance of an ecclesiastic in a particular parochial benefice, the Italian Government will communicate these reasons to the Ordinary who, after an understanding with the Government, shall take appropriate measures within three months. In case of disagreement between the Ordinary and the Government, the Holy See will entrust the settlement of the difficulty to two ecclesiastics of its own choice who, after coming to an agreement with two delegates of the Italian Government, will render a decision that shall be final.

ART. 22.

Ecclesiastics who are not Italian citizens cannot be appointed to Italian benefices. Moreover, the Bishops of the dioceses and the rectors of parishes must speak Italian. If necessary, they must have assistants who, in addition to Italian, also understand and speak the local dialect in order that they may give religious assistance to the faithful in their own language according to the rules of the Church.

ART. 23.

The provisions of Arts. 16, 17, 19, 20,

20, 21 e 22 non riguardano Roma e le diocesi suburbicarie.

Resta anche inteso che, qualora la Santa Sede procedesse ad un nuovo assetto di dette diocesi, rimarrebbero invariati gli assegni oggi corrisposti dallo Stato italiano sia alle mense sia alle altre istituzioni ecclesiastiche.

ART. 24.

Sono aboliti l'*exequatur*, il regio *placet*, nonchè ogni nomina cesarea o regia in materia di provvista di benefici od uffici ecclesiastici in tutta Italia, salve le eccezioni stabilite nell'art. 29 lettera *g*).

ART. 25.

Lo Stato italiano rinuncia alla prerogativa sovrana del Regio patronato sui benefici maggiori e minori.

È abolita la regalia sui benefici maggiori e minori. È abolito anche il terzo pensionabile nelle provincie dell'ex-regno delle due Sicilie.

Gli oneri relativi cessano di far carico allo Stato ed alle amministrazioni dipendenti.

ART. 26.

La nomina degl'investiti dei benefici maggiori e minori e di chi rappresenta temporaneamente la sede o il beneficio vacante ha effetto dalla data della provvista ecclesiastica, che sarà ufficialmente partecipata al Governo. L'amministrazione ed il godimento delle rendite, durante la vacanza, è disciplinata dalle norme del diritto canonico.

In caso di cattiva gestione, lo Stato

21 and 22 do not apply to Rome and the suburban dioceses.

It is also understood that should the Holy See proceed to a new arrangement of these dioceses, the allotments at present made by the Italian State, both to the Bishop's household and to other ecclesiastical institutions, shall remain unchanged.

ART. 24.

The *Exequatur*, the royal *Placet* and all imperial or royal appointments in the matter of filling benefices and ecclesiastical offices in the whole of Italy are abolished with the exception of the benefices mentioned in Article 29, g.

ART. 25.

The Italian State renounces the sovereign prerogative of Royal patronage with regard to major and minor benefices.

The right of the State to use the revenue of vacant benefices, major and minor, is abolished. The *terzo pensionabile* in the provinces of the former Kingdom of the Two Sicilies is also abolished.

The maintenance of these benefices ceases to be incumbent upon the State or upon its administrative dependencies.

ART. 26.

The appointment of the incumbents of benefices both major and minor and of the person who is temporarily to represent the vacant see or benefice shall be effective from the date of the ecclesiastical action which will be officially communicated to the Government. The administration and use of the income during the time the benefice is vacant are regulated by the provisions of the Canon Law.

In case of bad management, the Italian

italiano, presi accordi con l'autorità ecclesiastica, può procedere al sequestro delle temporalità del beneficio, devolvendone il reddito netto a favore dell'investito, o, in sua mancanza, a vantaggio del beneficio.

State, after consultation with the ecclesiastical authorities, may proceed to sequestrate the temporalities of the benefice, the net income to be turned over to the person holding the benefice or, in case there is no such person, to accrue to the advantage of the benefice.

Art. 27.

Le basiliche della Santa Casa in Loreto, di San Francesco in Assisi e di Sant'Antonio in Padova con gli edifici ed opere annesse, eccettuate quelle di carattere meramente laico, saranno cedute alla Santa Sede e la loro amministrazione spetterà liberamente alla medesima. Saranno parimenti liberi da ogni ingerenza dello Stato e da conversione gli altri enti di qualsiasi natura gestiti dalla Santa Sede in Italia nonchè i Collegi di missioni. Restano, tuttavia, in ogni caso applicabili le leggi italiane concernenti gli acquisti dei corpi morali.

Relativamente ai beni ora appartenenti ai detti Santuari, si procederà alla ripartizione a mezzo di commissione mista, avendo riguardo ai diritti dei terzi ed alle dotazioni necessarie alle dette opere meramente laiche.

Per gli altri Santuari, nei quali esistano amministrazioni civili, subentrerà la libera gestione dell'autorità ecclesiastica, salva, ove del caso, la ripartizione dei beni a norma del precedente capoverso.

Art. 27.

The Basilicas of the Holy House at Loreto, of St. Francis at Assisi, and of St. Anthony at Padua, together with the buildings and institutions annexed, except those which are distinctly lay in character, shall be ceded to the Holy See and their administration shall pertain exclusively to the same. The other institutions of whatever kind which are conducted by the Holy See in Italy, together with the missionary colleges, shall likewise be free from all interference on the part of the State and exempt from confiscation. However, in every case the Italian laws concerning acquisitions by moral persons continue in force.

With regard to the properties actually pertaining to the above-mentioned sanctuaries, a distribution will be made through the agency of a commission chosen by both parties, consideration being given to the claims of any third parties and to the endowments necessary for the maintenance of the aforesaid institutions which are distinctly lay in character.

The other sanctuaries which are now under civil administration will be turned over to the exclusive control of ecclesiastical authority except in cases where a distribution of property or goods is to be made according to the provisions of the preceding paragraph.

Art. 28.

Per tranquillare le coscienze, la Santa Sede accorderà piena condonazione a tutti coloro che, a seguito delle leggi italiane eversive del patrimonio ecclesiastico, si trovino in possesso di beni ecclesiastici.

A tale scopo la Santa Sede darà agli Ordinari le opportune istruzioni.

Art. 29.

Lo Stato italiano rivedrà la sua legislazione in quanto interessa la materia ecclesiastica, al fine di riformarla ed integrarla, per metterla in armonia colle direttive, alle quali si ispira il Trattato stipulato colla Santa Sede ed il presente Concordato.

Resta fin da ora convenuto fra le due Alte Parti contraenti quanto appresso:

a) Ferma restando la personalità giuridica degli enti ecclesiastici finora riconosciuti dalle leggi italiane (Santa Sede, diocesi, capitoli, seminari, parrocchie ecc.), tale personalità sarà riconosciuta anche alle chiese pubbliche aperte al culto, che già non l'abbiano, comprese quelle appartenenti agli enti ecclesiastici soppressi, con assegnazione, nei riguardi di queste ultime, della rendita che attualmente il Fondo per il Culto destina a ciascuna di esse.

Salvo quanto è disposto nel precedente art. 27, i consigli di amministrazione, dovunque esistano e qualunque sia la loro denominazione, anche se composti totalmente o in maggioranza di laici, non dovranno ingerirsi nei servizi di culto, e la nomina dei componenti sarà fatta

Art. 28.

In order that their consciences may be at ease, the Holy See will grant full condonation to all those who hold ecclesiastical property as a result of the Italian laws by which the patrimony of the Church was dispersed.

To this end the Holy See will give the Bishops proper instructions.

Art. 29.

The Italian State will reconsider its legislation dealing with matters ecclesiastical, for the purpose of changing and reorganizing it so as to bring it into harmony with the princ'ples envisaged by the Treaty made with the Holy See and by the present Concordat.

From the present moment the two High Contracting Parties are in agreement on the following points:

(a) The legal personality of ecclesiastical entities hitherto recognized by Italian law (the Holy See, dioceses, chapters, seminaries, parishes, etc.) remaining unchanged, like status will also be accorded to churches open to public worship, that have not already such status; and this provision shall include those churches formerly belonging to ecclesiastical institutions that have been suppressed, together with the assignment, in the case of these last-named, of the revenue which the Fund for Worship actually sets aside for every one of them.

Except for what is provided in Art. 27 above, the administrative councils, wherever they exist and whatever be their character, even if they are made up wholly or for the greater part of laymen, shall not concern themselves with the religious services; and the appointment of

d'intesa con l'autorità ecclesiastica.

b) Sarà riconosciuta la personalità giuridica delle associazioni religiose, con o senza voti, approvate dalla Santa Sede, che abbiano la loro sede principale nel Regno, e siano ivi rappresentate, giuridicamente e di fatto, da persone che abbiano la cittadinanza italiana e siano in Italia domiciliate. Sarà riconosciuta,- inoltre, la personalità giuridica delle provincie religiose italiane, nei limiti del territorio dello Stato e sue colonie, delle associazioni aventi la sede principale all'estero, quando concorrano le stesse condizioni. Sarà riconosciuta altresì la personalità giuridica delle case, quando dalle regole particolari dei singoli ordini sia attribuita alle medesime la capacità di acquistare e possedere. Sarà riconosciuta infine la personalità giuridica alle Case generalizie ed alle Procure delle associazioni religiose, anche estere. Le associazioni o le case religiose, le quali già abbiano la personalità giuridica, la conserveranno.

Gli atti relativi ai trasferimenti degli immobili, dei quali le associazioni sono già in possesso, dagli attuali intestatari alle associazioni stesse saranno esenti da ogni tributo.

c) Le confraternite aventi scopo esclusivo o prevalente di culto non sono soggette ad ulteriori trasformazioni nei fini, e dipendono dall'autorità ecclesiastica, per quanto riguarda il funzionamento e l'amministrazione.

d) Sono ammesse le fondazioni di culto di qualsiasi specie, purchè consti

the members shall be made after consultation with the ecclesiastical authorities.

(b) Italy will recognize the legal personality of religious associations, either with or without vows, approved by the Holy See, which have their mother house in the Kingdom and are therein represented, *de jure* and *de facto*, by persons who are Italian citizens and have their domicile in Italy. Italy will likewise recognize the legal personality of Italian religious provinces, within the limits of the territory of the State and of its colonies, and of associations having their mother house abroad when the same conditions are fulfilled. In addition, Italy will recognize the legal personality of religious houses when the particular rules of the different orders grant to the said houses the capacity to acquire and possess property. Lastly, Italy will recognize the legal personality of the headquarters and of the procures of religious associations including foreign orders or congregations. Associations and religious houses already having a legal personality will maintain the same.

Documents dealing with the transfers of real estate belonging to the associations from the actual title-holders to the associations themselves shall be exempt from all taxes.

(c) Confraternities, the exclusive or main purpose of which is religious worship, shall not be subject to further changes in their aims and purposes; and they will depend upon ecclesiastical authority in all that concerns their functioning and their administration.

(d) Religious foundations of any kind are allowed, provided it is clear that they

che rispondano alle esigenze religiose della popolazione e non ne derivi alcun onere finanziario allo Stato. Tale disposizione si applica anche alle fondazioni già esistenti di fatto.

e) Nelle amministrazioni civili del patrimonio ecclesiastico proveniente dalle leggi eversive i consigli di amministrazione saranno formati per metà con membri designati dall'autorità ecclesiastica. Altrettanto dicasi per i Fondi di religione delle nuove provincie.

f) Gli atti compiuti finora da enti ecclesiastici o religiosi senza l'osservanza della leggi civili potranno essere riconosciuti e regolarizzati dallo Stato italiano, su domanda dell'Ordinario da presentarsi entro tre anni dall'entrata in vigore del presente Concordato.

g) Lo Stato italiano rinunzia ai privilegi di esenzione giurisdizionale ecclesiastica del clero palatino in tutta Italia (salvo per quello addetto alle chiese della Santa Sindone di Torino, di Superga, del Sudario di Roma ed alle cappelle annesse di dimora dei Sovrani e dei Principi Reali), rientrando tutte le nomine e provviste di benefici ed uffici sotto le norme degli articoli precedenti. Un'apposita commissione provvederà all'assegnazione ad ogni basilica o chiesa palatina di una congua dotazione con i criteri indicati per i beni dei santuari nell'art. 27.

h) Ferme restando le agevolazioni

answer the religious needs of the people and that they impose no financial burden on the State. The above provision also applies to foundations already *de facto* existing.

(e) In the civil administration of the ecclesiastical patrimony resulting from the laws of confiscation, the administrative boards will be made up of members one-half of whom are selected by the ecclesiastical authorities. The same provision applies to religious endowment funds in the new provinces.

(f) Legal actions concluded hitherto by ecclesiastical or religious organizations without complying with the civil laws may be recognized and regularized by the Italian State upon application of the Ordinary to be submitted within three years from the date upon which the present Concordat goes into effect.

(g) The Italian State renounces the privilege of exemption from ecclesiastical jurisdiction of the clergy attached to the Royal Household anywhere in Italy (except in the case of those attached to the church of the Holy Winding-Sheet in Turin, the Church of La Superga, the Church known as "del Sudario" in Rome, and the chapels annexed to the residences of the Sovereigns and the Royal Family). All nominations and assignments to benefices and offices will be governed by the provisions laid down in the preceding articles. A special commission will provide for the assignment to each royal basilica or church a suitable endowment in accordance with the regulations laid down for the property belonging to the Sanctuaries mentioned in Art. 27.

(h) Without any change in the tax ex-

tributarie già stabilite a favore degli enti ecclesiastici dalle leggi italiane fin qui vigenti, il fine di culto o di religione è, a tutti gli effetti tributari, equiparato ai fini di beneficenza e di istruzione.

E abolita la tassa straordinaria del trenta per cento imposta con l'articolo 18 della legge 15 agosto 1867 n. 3848; la quota di concorso di cui agli articoli 31 della legge 7 luglio 1866 n. 3036 e 20 della legge 15 agosto 1867 n. 3848; nonchè la tassa sul passaggio di usufrutto dei beni costituenti la dotazione dei benefici ed altri enti ecclesiastici, stabilita dall'art. 1° del R. D. 30 dicembre 1923 n. 3270, rimanendo esclusa anche per l'avvenire l'istituzione di qualsiasi tributo speciale a carico dei beni della Chiesa. Non saranno applicate ai ministri del culto per l'esercizio del ministero sacerdotale l'imposta sulle professioni e la tassa di patente, istituite con il R. D. 18 novembre 1923 n.° 2538 in luogo della soppressa tassa di esercizio e rivendita, nè qualsiasi altro tributo del genere.

i) L'uso dell'abito ecclesiastico o religioso da parte di secolari o da parte di ecclesiastici e di religiosi, ai quali sia stato interdetto con provvedimento definitivo della competente autorità ecclesiastica, che dovrà a questo fine essere ufficialmente communicato al Governo italiano, è vietato e punito colle stesse sanzioni e pene, colle quali è vietato e punito l'uso abusivo della divisa militare.

ART. 30.

La gestione ordinaria e straordinaria

emptions already established in favor of ecclesiastical institutions by the Italian laws now in force, organizations the purpose of which is worship or religion are placed on the same basis, so far as taxation is concerned, as organizations formed for purposes of charity or education.

The following taxes are abolished: 1. The extra tax of 30% imposed by the provisions of Article 18 of the Law of August 15, 1867, No. 3848; the so-called "concursus quota" mentioned in Article 31 of the Law of July 7, 1886, No. 3036 and in Article 20 of the Law of August 15, 1867, No. 3848; and also the tax on the transfer of the usufruct of property constituting the endowment of benefices or other ecclesiastical institutions mentioned in Article 1 of the Royal Decree of December 30, 1923, No. 3270. The imposition of any tax whatsoever on Church property in the future is also excluded. The professional tax and the license tax, established by the Royal Decree of November 18, 1923, No. 2538, to take the place of the abolished tax "of license and sale," will not apply to ecclesiastics in the exercise of their priestly ministry; nor shall they be liable to any other tax of this kind.

(i) The use of the ecclesiastical or religious garb by seculars, or by ecclesiastics or religious who are forbidden to wear it by positive order of the proper ecclesiastical authority, (which order must be officially communicated to the Italian Government for this purpose) is prohibited and punishable by the same penalties as are provided for the illicit use of the military uniform.

ART. 30.

The management, both ordinary and

dei beni appartenenti a qualsiasi istituto ecclesiastico od associazione religiosa ha luogo sotto la vigilanza ed il controllo delle competenti autorità della Chiesa, escluso ogni intervento da parte dello Stato italiano, e senza obbligo di assoggettare a conversione i beni immobili.

extraordinary, of property belonging to any ecclesiastical institute or religious association whatsoever will be carried out under the supervision and control of the proper Church authorities without any interference on the part of the Italian State and without the obligation of converting the real estate into cash.

Lo Stato italiano riconosce agli istituti ecclesiastici ed alle associazioni religiose la capacità di acquistare beni, salve le disposizioni delle leggi civili concernenti gli acquisti dei corpi morali.

The Italian State recognizes on the part of ecclesiastical institutions and religious associations the right to acquire property, the provisions of the civil law with regard to the acquisitions of moral entities remaining intact.

Lo Stato italiano, finchè con nuovi accordi non sarà stabilito diversamente, continuerà a supplire alle deficienze dei redditi dei benefici ecclesiastici con assegni da corrispondere in misura non inferiore al valore reale di quella stabilita dalle leggi attualmente in vigore: in considerazione di ciò, la gestione patrimoniale di detti benefici, per quanto concerne gli atti e contratti eccedenti la semplice amministrazione, avrà luogo con intervento da parte dello Stato italiano, ed in caso di vacanza la consegna dei beni sarà fatta colla presenza di un rappresentante del Governo, redigendosi analogo verbale.

The Italian State, until some other arrangement is made by mutual agreement, will continue to meet the deficits in the revenues of ecclesiastical benefices by granting allowances corresponding at least to the actual value of the subsidy established by the laws now in force. In consideration of this agreement, the financial management of these benefices, in all that concerns acts and contracts which are over and above the simple administration of them, shall be carried out with the cooperation of the Italian State; and in case of a vacancy the assignment of the revenues will be made in the presence of a representative of the Government, a record of the transaction being kept.

Non sono soggetti all'intervento suddetto le mense vescovili delle diocesi suburbicarie ed i patrimoni dei capitoli e delle parrocchie di Roma e delle dette diocese. Agli effetti del supplemento di congrua, l'ammontare dei redditi, che su dette mense e patrimoni sono corrisposti ai beneficiati, risulterà da una dichiarazione resa annualmente sotto la propria responsabilità dal Vescovo suburbicario

The "mensal" income of the Bishops of the suburban sees and the patrimony of the chapters and parishes of Rome and of the above mentioned sees are not subject to the aforesaid intervention. The total amount of the revenues of these dioceses, chapters and parishes, which correspond to benefices, will be made known in a statement to be rendered annually by the Suburban Bishop for

per le diocesi e dal Cardinale Vicario per la città di Roma.

ART. 31.

L'erezione di nuovi enti ecclesiastici od associazioni religiose sarà fatta dall'autorità ecclesiastica secondo le norme del diritto canonico: il loro riconoscimento agli effetti civili sarà fatto dalle autorità civili.

ART. 32.

I riconoscimenti e le autorizzazioni previste nelle disposizioni del presente Concordato e del Trattato avranno luogo con le norme stabilite dalle leggi civili, che dovranno essere poste in armonia con le disposizioni del Concordato medesimo e del Trattato.

ART. 33.

E riservata alla Santa Sede la disponibilità delle catacombe esistenti nel suolo di Roma e delle altre parti del territorio del Regno con l'onere conseguente della custodia, della manutenzione e della conservazione.

Essa può quindi, con l'osservanza delle leggi dello stato e con salvezza degli eventuali diritti di terzi, procedere alle occorrenti escavazioni ed al trasferimento dei corpi santi.

ART. 34.

Lo Stato italiano, volendo ridonare all'istituto del matrimonio, che è base della famiglia, dignità conforme alle tra-

his diocese and by the Cardinal Vicar for the City of Rome in order that they may have their proper share of the subsidy allowed by law.

ART. 31.

The creation of new ecclesiastical institutions and religious associations will be taken care of by the ecclesiastical authorities according to the provisions of the Canon Law. Their recognition, so far as civil effects are concerned, pertains to the civil authorities.

ART. 32.

The acts of official recognition and authorization provided for in the various articles of this Concordat and of the Treaty will be put into effect according to the regulations laid down by the civil laws which shall be brought into harmony with the provisions of the Concordat and the Treaty.

ART. 33.

The disposition and control of the Catacombs existing in Rome and in other sections of the territory of the Kingdom is reserved to the Holy See with the consequent obligation of providing for their maintenance and preservation.

The Holy See, therefore, provided it complies with the laws of the State and takes precautions to protect the possible rights of any third parties, may proceed to carry on such excavations as may seem desirable and to transfer to other localities the bodies of the saints.

ART. 34.

The Italian State, desirous of restoring to the institution of marriage which is the foundation of the family, the dignity

dizioni cattoliche del suo popolo, riconosce al sacramento del matrimonio, disciplinato dal diritto canonico, gli effetti civili.

Le pubblicazioni del matrimonio come sopra saranno effettuate, oltre che nella chiesa parrocchiale, anche nella casa comunale.

Subito dopo la celebrazione il parroco spiegherà ai coniugi gli effetti civili del matrimonio, dando lettura degli articoli del codice civile riguardanti i diritti ed i doveri dei coniugi, e redigerà l'atto di matrimonio, del quale entro cinque giorni trasmetterà copia integrale al Comune, affinchè venga trascritto nei registri dello stato civile.

Le cause concernenti la nullità del matrimonio e la dispensa dal matrimonio rato e non consumato sono riservate alla competenza dei tribunali e dei dicasteri ecclesiastici.

I provvedimenti e le sentenze relative, quando siano divenute definitive, saranno portate al Supremo Tribunale della Segnatura, il quale controllerà se siano state rispettate le norme del diritto canonico relative alla competenza del giudice, alla citazione ed alla legittima rappresentanza o contumacia delle parti.

I detti provvedimenti e sentenze definitive coi relativi decreti del Supremo Tribunale della Segnatura saranno trasmessi alla Corte di Appello dello Stato competente per territorio, la quale, con ordinanze emesse in Camera di Consiglio, li renderà esecutivi agli effetti ed ordinerà che siano annotati nei registri dello

that belongs to it according to the Catholic traditions of its people, recognizes the civil effects of the sacrament of matrimony as administered according to the regulations of the Canon Law.

The banns of marriage as defined above will be published both in the parish church and in the city- or town-hall.

Immediately after the celebration of a marriage, the parish priest will explain to the married couple the civil effects of the marriage, reading the articles of the Civil Code which have to do with the rights and duties of husbands and wives and will make a record of the ceremony. Within five days he will send a complete copy of this record to the municipal building in order that it may be transcribed in the register of the civil authorities.

Questions having to do with the nullification of marriage and with the dispensation of a marriage "ratum et non consummatum" are reserved to the jurisdiction of ecclesiastical tribunals and courts.

The findings and relative opinions, when they become final, will be conveyed to the Supreme Tribunal of the Segnatura which will decide whether the regulations of the Canon Law with regard to the competency of the judge, the summons, and the legitimate representation or contumacy of the parties have been observed.

These findings and final opinions, together with the decrees of the Supreme Tribunal of the Segnatura relating thereto, will be transmitted to the civil Court of Appeal having local jurisdiction, which court, by means of an order issued in council, will make the decrees effective with regard to the civil effects and will

stato civile a margine dell'atto di matrimonio.

Quanto alle cause di separazione personale, la Santa Sede consente che siano giudicate dall'autorità giudiziaria civile.

ART. 35.

Per le scuole di istruzione media tenute da enti ecclesiastici o religiosi rimane fermo l'istituto dell'esame di Stato ad effettiva partita di condizioni per candidati di istituti governativi e candidati di dette scuole.

ART. 36.

L'Italia considera fondamento e coronamento dell'istruzione pubblica l'insegnamento della dottrina cristiana secondo la forma ricevuta dalla tradizione cattolica. E perciò consente che l'insegnamento religioso ora impartito nelle scuole pubbliche elementari abbia un ulteriore sviluppo nelle scuole medie, secondo programmi da stabilirsi d'accordo tra la Santa Sede e lo Stato.

Tale insegnamento sarà dato a mezzo di maestri e professori, sacerdoti o religiosi, approvati dall'autorità ecclesiastica, e sussidiariamente a mezzo di maestri e professori laici, che siano a questo fine muniti di un certificato di idoneità da rilasciarsi dall'Ordinario diocesano.

La revoca del certificato da parte dell'Ordinario prova senz'altro l'insegnante della capacità di insegnare.

Pel detto insegnamento religioso nelle scuole pubbliche non saranno adottati

give orders to have them recorded in the civil register alongside the record of the marriage.

As regards cases of personal separation, the Holy See is willing that the same shall be judged by the civil judicial authority.

ART. 35.

For the schools of secondary education maintained by ecclesiastical or religious organizations, the policy of state examinations remains in force, the candidates from these schools taking the examinations on exactly the same conditions as are prescribed for the candidates from schools maintained by the institutions of the Government.

ART. 36.

Italy considers the teaching of Christian doctrine, according to the form handed down by Catholic tradition, as the foundation and capstone of public education. Therefore, Italy agrees that the religious instruction now given in the public elementary school shall be further developed in the secondary schools according to a program to be agreed upon by the Holy See and the State.

This instruction is to be given by teachers and professors who are priests or religious approved by ecclesiastical authority and who will be aided by lay teachers and professors holding for this purpose proper certificates of fitness and capacity, these certificates to be issued by the diocesan Bishop.

Revocation of the certificate by the Bishop immediately deprives the individual of the right to teach.

No texts will be adopted for this religious instruction in the public schools

che i libri di testo approvati dall'autorità ecclesiastica.

ART. 37.

I dirigenti delle associazioni statali per l'educazione fisica, per l'istruzione premilitare, degli Avanguardisti e dei Balilla, per rendere possibile l'istruzione e l'assistenza religiosa della gioventu loro affidata, disporranno gli orari in modo da non impedire nelle domeniche e nelle feste di precetto l'adempimento dei doveri religiosi.

Altrettanto disporranno i dirigenti delle scuole pubbliche nelle eventuali adunate degli alunni nei detti giorni festivi.

ART. 38.

Le nomine dei Professori dell'Università Cattolica del S. Cuore e del dipendente Istituto di Magistero Maria Immacolata sono subordinate al nulla osta da parte della Santa Sede diretto ad assicurare che non vi sia alcunchè da eccepire dal punto di vista morale e religioso.

ART. 39.

Le Università, i Seminari maggiori e minori, sia diocesani sia interdiocesani sia regionali, le accademie, i collegi e gli altri istituti cattolici per la formazione e la cultura degli ecclesiastici continueranno a dipendere unicamente dalla Santa Sede, senza alcuna ingerenza delle autorità scolastiche del Regno.

ART. 40.

Le Lauree in sacra teologia date dalle

except such as are approved by ecclesiastical authority.

ART. 37.

The directors of state associations for physical education, for pre-military instruction, as well as the directors of the Avanguardisti and the Balilla, in order to facilitate the religious instruction and care of the youth entrusted to their charge, will so arrange their programs that they will not interfere with the young people's fulfillment of their religious duties on Sundays and holy days of obligation.

The officials of the public schools will make similar provisions in the matter of arranging the classes to be held on holy days.

ART. 38.

The appointment of professors in the Catholic University of the Sacred Heart and in the subordinate Institute of Mary Immaculate is subject to the approval of the Holy See. The purpose of this regulation is to make certain that no one is appointed who would be undesirable from the standpoint of morality or religion.

ART. 39.

Universities, major and preparatory seminaries, whether diocesan, inter-diocesan or regional, academies, colleges and other Catholic institutions for the education and training of ecclesiastics will continue to be subject to the Holy See exclusively with no interference on the part of the educational authorities of the Kingdom.

ART. 40.

Degrees in Sacred Theology granted by

Facoltà approvate dalla Santa Sede saranno riconosciute dallo Stato italiano.

Saranno parimenti riconosciuti i diplomi, che si conseguono nelle scuole di paleografia, archivistica e diplomatica documentaria erette presso la biblioteca e l'archivio nella Città del Vaticano.

ART. 41.

L'Italia autorizza l'uso nel Regno e nelle sue colonie delle onorificenze cavalleresche pontificie mediante registrazione del breve di nomina, da farsi su presentazione del breve stesso e domanda scritta dell'interessato.

ART. 42.

L'Italia ammetterà il riconoscimento, mediante Decreto Reale, dei titoli nobiliari conferiti dai Sommi Pontefici anche dopo il 1870 e di quelli che saranno conferiti in avvenire.

Saranno stabiliti casi nei quali il detto riconoscimento non è soggetto in Italia al pagamento di tassa.

ART. 43.

Lo Stato italiano riconosce le organizzazioni dipendenti dall'azione Cattolica Italiana, in quanto esse, siccome la Santa Sede ha disposto, svolgano la loro attività al di fuori di ogni partito politico e sotto l'immediata dipendenza della gerarchia della Chiesa per la diffusione e l'attuazione dei principi cattolici.

La Santa Sede prende occasione dalla stipulazione del presente Concordato per

Faculties approved by the Holy See will be recognized by the Italian State.

Recognition is likewise given to the diplomas earned in the Schools of Paleography, Science of Archives and Documentary Diplomatics connected with the Library and the Archives of the State of the Vatican.

ART. 41.

Italy authorizes the use, in the Kingdom and in its colonies, of knightly honors bestowed by the Holy See, requiring only that the letter of appointment shall be registered. To secure this the individual will present his appointment accompanied by a written request for registration of the same.

ART. 42.

By means of a royal decree to be executed, Italy will recognize the titles of nobility conferred by the Sovereign Pontiffs, even after 1870, and also those which may be conferred in the future.

The circumstances will be determined in which the recognition of these titles is not subject in Italy to the payment of a tax.

ART. 43.

The Italian State recognizes the auxiliary organizations of the "Azione Cattolica Italiana" inasmuch as these, according to the regulations of the Holy See, carry on their activities independently of all political parties and under the immediate direction of the Hierarchy of the Church for the teaching and practice of Catholic principles.

The Holy See takes occasion on the signing of the present Concordat to re-

rinnovare a tutti gli ecclesiastici e religiosi d'Italia il divieto di iscriversi e militare in qualsiasi partito politico.

ART. 44.

Se in avvenire sorgesse qualche difficoltà sulla interpretazione del presente Concordato, la Santa Sede e l'Italia procederanno di comune intelligenza ad una amichevole soluzione.

ART. 45.

Il presente Concordato entrerà in vigore allo scambio delle ratifiche, contemporaneamente al Trattato, stipulato fra le stesse Alte Parti, che elimina la « Questione Romana » .

Con l'entrata in vigore del presente Concordato, cesseranno di applicarsi in Italia le disposizioni dei Concordati decaduti degli ex-stati italiani. Le leggi austriache, le leggi, i regolamenti, le ordinanze e i decreti dello Stato italiano attualmente vigenti, in quanto siano in contrasto colle disposizioni del presente Concordato, si intendono abrogati con l'entrata in vigore del medesimo.

Per predisporre la esecuzione del presente Concordato sarà nominata, subito dopo la firma del medesimo, una Commissione composta da persone designate da ambedue le Alte Parti.

Roma, undici febbraio millenovecentoventinove.

PIETRO CARDINALE GASPARRI.
L. ✠ S.

BENITO MUSSOLINI.
L. ✠ S.

new its prohibition to all the ecclesiastics and religious to enroll or take part in any political party.

ART. 44.

If, in the future, any difficulty should arise with regard to the interpretation of the present Concordat, the Holy See and Italy will proceed with mutual understanding to an amicable solution.

ART. 45.

The present Concordat will be effective upon the exchange of ratifications simultaneously with the Treaty made by the two High Contracting Parties by which the "Roman Question" is eliminated.

As soon as the present Concordat goes into effect the provisions of the obsolete Concordats of the former Italian States will cease to be applicable in Italy. The Austrian laws, as well as the actual existing laws, regulations, ordinances and decrees of the Italian State which are contrary to the provisions of the present Concordat, are understood to be abrogated when this Concordat goes into effect.

In order that the present Concordat may be put into effect without delay, a commission made up of individuals chosen by the two High Contracting Parties will be appointed immediately after the Concordat is signed.

Rome, February 11, 1929.

Signed:
PIETRO CARDINALE GASPARRI.

Signed:
BENITO MUSSOLINI.